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ABSTRACT

Barbara Jordan served as the hearing officer for three-day adversary evaluation hearings about the pros and cons of minimum competency testing (MCT). This report is the complete transcript of the third day of proceedings. The pro team testimony, led by James Popham, began with William Raspberry, who presented his view of the likely impact of MCT. The remaining witnesses represented ongoing MCT programs in North Carolina and Detroit, stressing the positive effects of MCT on students, the curriculum, and public perceptions of education. George Madaus, the con team leader, began his case by reiterating his team's position: that tests can be helpful in education, but that his team opposes MCT when it is used as a single indicator to deny diplomas, to keep students back in a grade, or to classify students. The witnesses for the con team testified about the impact of MCT on Chicano-Hispanic students, its effect on handicapped and learning disabled students, and the current programs of MCT in New Jersey and North Carolina. The day's proceedings concluded with closing arguments from Dr. Popham and Dr. Madaus. (BW)

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MINIMUM COMPETENCY TESTING

CLARIFICATION HEARING

JULY 10, 1981

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TM 820 468

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PROCEEDINGS

(8:30 a.m.)

DR. KELLY: Good morning. Welcome to the third day of these hearings on minimum competency testing. I am Paul Kelly, Director of the Measurement and Evaluation Center and Professor of Educational Psychology at the University of Texas at Austin.

It is again my honor to introduce to you the presiding officer for this hearing, Professor Barbara Jordan, Lyndon B. Johnson Public Service Professor at the LBJ School of Public Affairs at the University of Texas at Austin. Professor Jordan.

INTRODUCTION AND INSTRUCTIONS BY THE HEARING OFFICER, PROFESSOR BARBARA JORDAN

HEARING OFFICER JORDAN: Thank you, Dr. Kelly.

I have presented opening remarks for two days now, and I repeat each day what I have said a prior day, because there is a possibility that there are some people here who did not hear the opening remarks on the first day. They will be a part of the record of these proceedings, in case you find these remarks so stellar that you want a copy.

Now, as used in this hearing minimum competency testing refers to state or locally mandated programs which have the following characteristics:

All or almost all students are, at any designated

grade, are required to take paper and pencil tests designed to measure the basic academic skills, life or survival skills, or functional literacy.

A passing score, a second characteristic of MCT, a passing score or standard for acceptable levels of student performance has been established.

Third characteristic: Test results may be used to certify students for grade promotion, graduation or diploma award, to classify students for or place students in remedial or other special services, allocate compensatory funds to school districts, evaluate or certify school districts, or evaluate teachers.

The minimum competency testing project is designed to provide quality information to state and local decisionmakers, information that will assist them in making informed choices about the policies and programs. This project should help to promote a greater public understanding of the dynamics of MCT programs and provide a vehicle for informed public participation in the policy process.

The purpose of this hearing, simply put, is to provide a public forum for clarifying some of the most salient issues concerning minimum competency testing. Both teams have agreed that there are certain functions which MCT programs should not serve. Both teams are emphatic in their

repudiation at elementary and secondary levels of the use of MCT for the following three purposes:

One, teacher evaluation;

Second, allocation of educational and other resources;

And the third no-no is retention of non-passing students at all grade levels.

The two teams do not agree, however, with regard to other functions of minimum competency testing programs. In this hearing, the teams will focus on MCT programs that use test results to certify or classify students. The three major issues this hearing will seek to clarify are:

Whether MCT programs will have beneficial or harmful effects on students, on curriculum and teaching, and on public perceptions of educational quality. While the framework for the hearings borrows extensively from the judicial process, it is not intended to result in victory for one side or the other. Rather, the clarification hearing is designed to serve an educational function by providing a public forum for discussion of a controversial topic from different, often competing perspectives.

The clarification of issues and points of concern is the desired outcome. The judicial process merely provides the framework and systematic procedures for discussing those issues and for public involvement in the

process.

There will be no jury to deliberate or render final formal judgment here. There will be no jury to decide whether MCT programs are successes or failures, or the overall quality of the MCT programs. All decisions in this process, all judgments concerning the information presented, will be left to the viewing public.

The target audience for this project includes legislators, state and local policymakers and administrators, special interest groups, parents, teachers, students and the general public.

Specific rules of procedure have been agreed upon by both teams. On each day the case presented by each team will make an opening statement outlining the case to be presented in support of the team's position. On each day the pro team will present its case first.

Each team will rely heavily on the testimony of witnesses rather than the detailed presentation of data. Although some witnesses will be interpreting documentary evidence that will be entered into the record of the hearing, other witnesses will state and be stating their own observations and opinions.

Direct, cross, redirect and recross examination of witnesses will be permitted.

Finally, it has, I'm sure, not escaped your

attention that these proceedings are being videotaped. By this fall, gavel to gavel videotapes and written transcripts will be available to professional and constituent organizations for use in workshops, seminars and public forums.

In addition, PBS will air in early fall a four-part television series. The first part will be a documentary and the other three parts will be edited versions of each day of the hearing. Each team will participate in the editing of the tape.

The pro team begins first, Dr. James Popham. And today I would appreciate it if you would, as you did yesterday, review the argument and the points that you are going to present to us today. Dr. Popham.

OPENING REMARKS BY

DR. JAMES POPHAM,

PRO TEAM LEADER

Thank you, Professor Jordan.

Our case today commences with a witness, Mr. William Raspberry, distinguished syndicated columnist from the "Washington Post," who as an analyst of educational affairs in this nation, will comment as to his view regarding the likely impact of minimum competency testing.

The bulk of our witnesses, as has been the case

previously, will represent ongoing minimum competency testing programs which actually are taking place at this time. Our first set of witnesses come from the state of North Carolina, where a state-level minimum competency testing program has been installed, a single test administered, high school graduation depending upon passage of that test.

Our concluding witnesses all come from the city of Detroit, where that city of its own volition installed a minimum competency testing program to improve the quality of instruction for the youngsters in Detroit schools. We shall demonstrate via these witnesses that once more minimum competency testing programs not only can, but are having a positive impact on, students, on the curriculum, and on public perceptions of education.

Professor Jordan, we are ready to call our first witness.

HEARING OFFICER JORDAN: The first witness is William Rasberry, who is a columnist for the "Washington Post." Mr. Raspberry, will you come forward, please.

THE PRO TEAM PRESENTS ITS CASE

TESTIMONY OF WILLIAM RASPBERRY,

COLUMNIST, "WASHINGTON POST"

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mr. Raspberry, thank you for joining us today.

As a distinguished syndicated columnist for the "Washington Post," you have written frequently about educational topics. Would it be correct to characterize you as an informed analyst of educational issues?

A I sincerely hope that's correct. I work at analyzing various issues, and I try to be informed about them.

Q Have you been following the evolution of the minimum competency testing movement in this country for the past half dozen years or so?

A In a general way, yes.

Q What is your overall analysis of minimum competency testing?

A I suppose that it reflects a growing waning of confidence in public education throughout America. People have become increasingly aware that schools are not doing what we expect them to do. We keep hearing about children who are graduating from high schools who are awarded diplomas, who are illiterate or nearly so. And it seemed that this was not a good state of affairs, and people seemed to look for some way, some objective measure of whether in fact a child had learned what his diploma alleges him to have learned.

And they came upon the notion that at least a

minimum level, some minimum level of competency should be guaranteed, so to speak, by a diploma, not a twelfth grade education necessarily, but some minimum level of competency.

Q Something like a minimum warranty, essentially?

A Pretty much that, yes. It doesn't guarantee genius or even average high school competency, but just a minimum, the minimum ability to function in life.

Q At least this much?

A At least this much.

Q Why do you believe that many people seem to be fearful of minimum competency testing programs?

A Because they believe, often with great justification, that a lot of children have not achieved that minimum level of competency, although they have spent 12 years in schools. The evidence is very clear that for a large number of children, many of them unfortunately minority children, they have not been given the skills that they need to qualify for work, for college, for anything else.

Q And is it then your interpretation that perhaps because of these tests, these deficiencies will be revealed, is that it?

A Of course. I think the assumption somehow, and I don't quite understand the assumption, but it seems to be

that if you don't reveal the absence of the competencies, the wide world will assume that the competencies are there. They test the student in the first place because of the assumption that the competencies in many cases are not there. So it does not seem to me to follow even logically.

It seems to be in some views a way of protecting children. It simply delays and postpones their exposure to the real world.

Q You indicated that in some instances minority youngsters were not doing as well as they should in school. Some civil rights groups have gone on record as opposing minimum competency testing programs. Why do you think that's so?

A For precisely that reason. I suppose it's partly out of embarrassment and partly out of a misguided concern, a misguided pity that masquerades as concern. Pity is an emotion that wants to protect those we feel sorry for because we feel them inferior.

I think if these leaders, if these opponents to the entire notion of minimum competency really believe that children are capable of learning, capable of acquiring the skills, they would insist on some kind of testing to make sure that they had acquired the skills so you would know whether the schools were doing what they were supposed to do.

If you are quite certain that the kids are incapable of achieving the skills, then you don't want any tests to disclose that. You think it is an assault on the children. I think it is essentially an assumption that the children are stupid that makes people oppose the test to reveal whether they have in fact acquired the knowledge they are expected to acquire.

Q Based on your own estimate of the capabilities of minority youngsters, how do you think they will be affected by minimum competency testing programs if they are widely adopted?

A The answer to that is that it depends a very great deal on how the tests are instituted. If you administer a minimum competency test for the first time to a child in the twelfth grade, you have busted him out if he has not acquired the material. That's all, it is an assault on the child. It has nothing to do with probing for competency.

If in fact you administer the test early on and in fact install tests that measure quite early on -- and I mean in early elementary school -- whether the competencies for that grade level are being acquired, the minimum competency exam at the end of that process will be quite routine. I mean, it is as though a manufacturer applies quality control checks on the work at the very end of the assembly line. It is absurd. You do your quality control all the way along

the line or it doesn't make any sense.

So if you do it only at the end you can have a devastating effect on children. If you do it as a part of an educational process as a routine thing, it could have a salutary effect.

Q Thank you.

Do you think that minimum competency testing programs will satisfy our citizens' right to know about what's happening in their schools?

A Not satisfy it, but it certainly goes in the direction of the right of parents and citizens at large to know in a general way what is going on in the schools. I suspect that a part of the institutional opposition to not just minimum competency testing, but all testing, all standardized testing, is that the people who don't want the test administered don't want us to find out how well or how poorly they are doing their job.

It is very interesting. In those instances where faculty, administrators and parents are confident that their children are learning well, you don't hear any opposition go testing. It's only when there is considerable doubt that testing becomes the ogre.

Q As a resident of the Washington, D.C., area, you are doubtlessly familiar with the D.C. schools competency-based curriculum program. Recently this led to

the non-promotion of a number of primary grade children. What is your reaction to that practice? I'm not interested in your appraisal of the particular program in D.C., because you may not be familiar with it. But what is your reaction to the practice of holding youngsters back?

A There are two basic ways to react to this thing. The tests were administered in the first, second and third grade youngsters in this city. Approximately half of them did not reveal on the test that they had acquired the competencies required for that grade and therefore were not eligible for promotion.

One way to look at it is to say, what a terrible thing you have done to these children, 5,000 or 6,000 children. You didn't do it to their predecessors because you didn't have this system and now you have done it to this group of kids. Terrible, terrible.

My view is that we did the terrible things to the predecessors of these children. We didn't find out whether or not they were learning in first, second and third grade first, second and third grade skills. As a result, they went on to fourth grade, many of them without those skills, not acquiring the fourth grade skills because they had not gotten the base.

It's very difficult to learn fractions if you haven't learned to add and subtract. It's impossible to

learn algebra if you haven't learned fractions and decimals and the basic operations.

So I think, while we may have embarrassed some kids and certainly embarrassed some parents and school officials, we did the children in the long-term a very real service. As a matter of fact, the second wave of testing showed that most of the children had caught up on the skills.

The most significant thing that happened in all of this was that the plan communicated to the children that this thing you are doing is important. We are not playing games; it is important. And most of the kinds understood that this enterprise we call education was taken seriously and they started to get serious, and the results showed that.

Q Thank you.

In previous testimony, witnesses for the con team have frequently cited the opinions of a number of experts. We'd like to get your reaction to the opinion of an expert on minimum competency testing, an excerpt drawn from a book about minimum competency testing. I quote:

"The minimum competency testing movement, for all its acknowledged dangers, is more than a new form of testing program. Potentially, it can provide the impetus to re-examine our educational system and our expectations for

it. If questions such as the above are not posed, in 10 or 15 years the minimum competency testing movement will be little more than an historic curiosity, much the same as its numerous predecessors, which emerged, created much furor and activity, moved quickly across the educational landscape, and silently disappeared, leaving little in their wake but memories.

"If time is spent, however, thinking through and confronting the many issues noted in this book, if we consciously strive to overcome gross simplification and generalization in the name of action, the minimum competency testing movement may be much" --

MS. PULLIN: I object. I think this is very leading.

DR. POPHAM: I'm simply trying to get a reaction to a statement by an expert on minimum competency testing from Mr. Raspberry. Frequently, as you heard in previous testing, our opponents cited expert testimony, and I am looking for Mr. Raspberry's reaction to this.

DR. MADAUS: Could we identify the expert?

HEARING OFFICER JORDAN: Why, then, Dr. Popham, don't you tell them who your expert is? And I think in order for him to ask the question, to get the judgment of this witness, he has to read the statement, and the only way that we will know how the witness would react to that

statement is that he could read it in its entirety. So tell us who that is?

DR. POPHAM: The author of that statement is Professor George Madaus, leader of the pro team, who along with two co-authors --

HEARING OFFICER JORDAN: The con team.

DR. POPHAM: Yes. Well, depending on the way you read the quotation.

(Laughter.)

DR. POPHAM: Professor Madaus is one of the acknowledged experts in the field of minimum competency testing and has written about as much on that subject as anyone I know, and I would very much like to have Mr. Raspberry react to the quotation.

HEARING OFFICER JORDAN: You may proceed.

DR. POPHAM: Thank you.

BY DR. POPHAM: (Resuming)

Q Continuing: "If time is spent thinking through and confronting the many issues noted in this book, if we consciously strive to overcome gross simplification and generalization in the name of action, the minimum competency testing movement may do much of what it is capable of doing: increasing our understanding of schools, schooling and the process of education.

"In accomplishing this end, the minimum competency

testing movement may engender an educational system which is both desirous and capable of preparing students who are well-grounded in the basics of reading, writing and mathematics."

As indicated, that quotation was taken from the writings of Professor George Madaus, who along with two others in 1979 authored a book on minimum competency testing. That was the concluding paragraph in the entire volume.

What is your reaction to that expert opinion?

A Aside from my inability to react to that part that refers to the content of the book, the general attitude squares very solidly with my own, that minimum competency -- minimum competency testing can be of tremendous value in making us look realistically and honestly at what is happening in our schools and to modify those aspects of it that are not satisfactory.

Q And as the expert suggests, if the program is properly put together along the lines you were describing earlier?

A Exactly.

Q So in conclusion, what is your overall estimate of the likely impact of minimum competency testing on education in this nation?

A My estimate is that if we can give up the idea of

fighting minimum competency testing and get excited about insisting on competency, that is to say if we can turn our energies toward making sure that the tests do what we want them to do, and they are not used as weapons against kids -- which they can be -- if they're not used as weapons against kids, but as aids and measures to make sure that they learn the things that they have simply got to learn if they are going to have any kind of a decent chance in this life, minimum competency testing can be of enormous value.

DR. POPHAM: Thank you so much for being with us.

HEARING OFFICER JORDAN: Cross-examination?

CROSS-EXAMINATION

BY MR. HENDERSON:

Q Mr. Raspberry, good morning. I have followed and admired your career for some time now, so it is really good to meet you at long last.

Let me just ask you a couple of questions. Do you advocate public access to valid test data?

A I'm not sure what the question means. If you can say it for me --

Q In essence, do you believe that the public has a right to know about the tests that their children are being subjected to?

A Know what about it? To know who put it together, to know what the items are, to know the content of the

test?

Q To know its content and validity, things of that nature.

A I think it is probably fair to know. I also think it is very likely that lay persons, if I use myself as a measure, will not have much idea of what they're looking at in terms of technical aspects.

Q But you do believe the public interests should be served insofar as validity of tests are concerned?

A Yes.

Q Does your support of minimum contention testing reflect an assumption that the tests are in fact valid, relatively bias-free instruments?

A My support of minimum competency testing is not a support of minimum competency tests or any other particular tests, just as my support of thermometers used to take temperatures is not an assertion that I guarantee the accuracy of any particular thermometer.

It's the idea of testing that I think is valid.

Q But I'm saying, you would support, then, the idea that a test, when used, should be valid and should be validated with regard to issues like cultural bias and items of that nature?

A Yes.

Q Can the public interest be adequately served

without an independent cross-validation of the tests themselves?

A It certainly can be.

Q How do we in fact know that the tests are in fact culturally, you know, not culturally biased, without some kind of validation?

A I must say to you, I have looked at this question for a good many years. I cannot tell you what cultural bias is. So I cannot answer the question. I don't know how you eliminate what I don't know is there in the first place.

Q Let me ask you a question. Would it surprise you to know that most of the research in these tests has been handled by the companies who themselves are responsible for making the tests? Would that surprise you?

A No, it wouldn't.

Q Are you concerned about the potential for conflict of interest in situations like that, where in fact test companies are employed to establish exams and then at the same time employed to cross-validate the exam, to check the bias element in the exam, to assume that the exams can be used and are in fact appropriate measures of what they purport to measure?

A As I said earlier, I'm not sure what cultural bias is.

Q Ignore cultural bias. Assume, for example, we are

talking about validating the item type of the test. Let's assume we are talking about making certain that the tests do what they purport to do. Would it concern you in that sense?

A If it turned out that tests were failing bright kids and passing stupid ones, I would be very concerned about those tests. What generally happens, it seems to me -- I have looked at tests in quite some depth. In almost every kind of standardized test, it is possible to take items and find grievous fault with them.

Q Do you support the use of minimum competency testing as a deciding criterion in the award of a high school diploma, meaning that notwithstanding other perhaps valid indications to the contrary?

A For example?

Q For example, let's assume that a student fails the high school minimum competency test. Yet the student has evidence of having been really competent insofar as what the test purports to measure, for example, writing samples and teacher input, and you have an assessment from teachers throughout school, principals, parents. Would that in fact disturb you in any way?

A It would disturb me greatly, and I'll tell you why. The reason we have minimum competency testing now as a movement is that the public has very grave doubts about the

judgments being made by teachers and administrators about the competency of the children they are graduating from schools. If we had confidence of that, there wouldn't be a demand for minimum competency testing.

Q Didn't you once say that competency exams administered at the end of high school frequently amount to punishing students for the failure of the system?

A Yes.

Q Does that mean the testing programs which institute diploma sanctions without appropriate phase-in time are misguided programs or not programs that you would support?

A Yes.

Q You once wrote an article entitled "Let's Make the Kids Learn" where you discussed the need to improve writing capabilities as it is tied to the improvement of test scores. Is that still your position?

A Yes, it is.

Q You mentioned the question of pity vis a vis the minority community and its attitude toward minimum competency testing. Aren't their concerns, meaning the concerns of the minority communities, predicated on the failure to diagnose at a sufficiently early point in the system the failure of their students and then devising some appropriate remedy to address that? Isn't that a part of

their concern?

A On occasion. I am thinking of a particular case where the minimum competency test was administered near the end of the process, the eleventh and twelfth grade, with the result that a large segment of the minority kids failed the test. And of course that was described as racism.

So in response to this accusation of racism and in response to the accusation that it came too late in the process, they instituted much earlier tests to discover which competencies were not being acquired, and they gave remediation classes for the children who were not measuring up. And of course the response was, since those remediation classes were predominantly minority, they said this proves that you had a segregative intent all along.

So what I'm saying is the answer to your question is sometimes.

Q Let me ask you this question. Won't the system that failed to address the minority parents' perceptions that implementing these programs will in fact have a detrimental impact on their students lose additional credibility with minority communities? Isn't that a real concern?

A It's a real possibility, yes.

Q Thank you. I have only one additional question, which I think Professor Madaus will raise with you. Thank

you very much.

BY DR. MADAUS:

Q Mr. Raspberry, I have to respond to the quote that was read to you. Do you realize that these hearings are about a very limited range of minimum competency tests, that there are other kinds across the country; that it is a generic term and not a very specific term? Are you aware of that?

A I am aware of the opening statement of Ms. Jordan this morning.

Q And that particular quote was describing what we would agree, what the team would agree are good programs, in Kansas. In fact, that report came out of a study that was commissioned in Massachusetts, and the results of that study was that the test should not be used by itself to deny a diploma.

Our team feels that you should use multiple indicators, because sometimes the test can make mistakes.

Were you here yesterday, Mr. Raspberry?

A No, I was not.

Q Well, yesterday we showed that one or two or three items can result in large numbers of students being classified as incompetent or functionally illiterate. We also showed that it's very easy for one or two bad items to creep into a test. And for that reason we want to use,

along with the test, which we don't oppose -- we are for testing -- we want to use other indicators to make sure that we are making the right decisions.

Would you be opposed to that?

A It depends greatly on what the other indicators are. In some school systems, for instance, one of the key indicators is attendance in school for 12 years. That is insufficient as an indicator to me that the child was learning anything.

Q Exactly. We would agree with that.

We had witnesses say that one indicator would be to let the student take the test and actually read it, not necessarily answer the multiple choice test, but can the student read the test items. There are other indications of reading than just the answers in multiple choice tests. Very often the other indicators will validate the test results, but sometimes for a number of reasons -- the kids are getting nervous or difficulties at home, any number of reasons, bad items -- the test can be wrong.

And we feel that there needs to be a mechanism to check against those kinds of mistakes. Would you be against that kind of protection for students?

A I suppose I'm not quite understanding the necessity for the protection. If you are suggesting that an item on a test, on a standard test, can be bad for my child

and not bad for yours -- I mean, if the item is no good, it seems to me the item is no good.

And I don't quite see how this takes care of anything.

Q Well, there is an interaction between item and individual. Some items or some individuals are different. It has nothing to do with bias necessarily.

Let me phrase the question another way. In a state like Florida you can be denied a diploma unless you attain a 70 percent pass score. Now, there is no appeal to that. The only thing you can do is wait and take the test again until you pass it.

A What is it 70 percent of?

Q 70 percent of --

A A test at what grade level?

Q It's an eleventh grade test. You can take it in eleventh or twelfth grade. And 70 percent of the items on the test.

A Is the test of competencies at eleventh grade level or at some --

Q Much lower level.

A You're talking about a sixth grade test, aren't you?

Q Sixth to eighth grade.

A You're talking about a high school graduate

scoring approximately 70 percent on a test designed for sixth graders, and you're asking me whether that is too high?

Q I'm asking you -- no, what I'm asking you is, can't you conceive of a child who falls one or two points below that and may be able to indicate the skills on that test by other means, but is not allowed to do that?

A I really want to know a good deal more about the other means. If a child comes to school out of a hospital after major surgery and is terribly confused and sick and cannot on that basis pass the test or get an appeal from the result of that score, I would have grave concerns about the system and the wisdom of the people who wrote it. I mean, if there are such clear indications that the test is not a valid measure that day.

Q All right. I hope you will see the full three-day taping and you will see some of the indicators that we mean. I don't have enough time to pursue this any further. Thank you.

A Thank you.

HEARING OFFICER JORDAN: Is there any redirect?

DR. POPHAM: Why?

HEARING OFFICER JORDAN: I think that is wise. Thank you, Mr. Raspberry, for helping us out on this.

The next witness is Dr. Michael Priddy, Director for Research, Planning and Evaluation, Guilford County School System, Jamestown, North Carolina.

Let the record show that Dr. Priddy is from Greensboro, rather than Jamestown.

TESTIMONY OF DR. MICHAEL PRIDDY,
DIRECTOR FOR RESEARCH, PLANNING AND EVALUATION,
GUILFORD COUNTY SCHOOL SYSTEM, GREENSBORO, NORTH CAROLINA

BY DR. POPHAM:

Q Dr. Priidy, what is your current position and what are your responsibilities?

A I am the Director for Research, Planning and Evaluation in the Guilford County School System in Greensboro, North Carolina. As part of that work, I am responsible for long and short-range administrative instructional planning, the conduct or oversight of research within the school system, the evaluation of ongoing programs, and in particular the conduct of the standardized testing program at the local and state levels, including grades K, 1, 2, 3, 4, 6, 9, 10 and 11.

Q Thank you.

Briefly, will you describe the main features of the North Carolina competency testing program?

A The program was established in 1977 by the General Assembly. As a part of it, the state board of education was

asked to adopt measures that can be used to determine the minimal literacy or the ability of our graduates to perform reasonably in life.

As a part of that work, a competency test commission was formed with the responsibility of advising the state board, and it of course was to delve into each of the matters very carefully in detail. As a part of that work, the competency test commission was to recommend tests, one in reading, one in mathematics; was to recommend minimum standards, and to go through a process of careful research to make those decisions.

Part of that process involved identifying a variety of reading tests and mathematics tests, administering those to approximately 80,000 juniors in the state of North Carolina in the spring of 1978, and based on that trial testing recommending to the state board of education a reading test and a mathematics test; and further, to recommend minimum standards.

To accomplish that task, the competency test commission included within its makeup either as a part of the committee or as adjunct people relevant subgroups, if you will, content specialists, secondary school teachers, persons knowledgeable about test bias, particularly about ethnic bias on tests and so on.

The work of that group resulted in the

recommendation of those tests with some modifications. These were well-known and widely used tests, but for North Carolina they were revised, with some things being taken out and other things being added. Also, the minimum standards were recommended. Students must perform at least at the 64 percent level on the mathematics test and the 72 percent level on the reading test.

Q In your judgment, was the process by which these tests were selected, the standards set, a careful one?

A I think that it was extremely careful and systematic, and I think it is best displayed by the lack of adjudication in North Carolina. Several groups indicated prior to the first regular administration that they would be suing the state and were simply waiting for the results. At the time the results were released, the only two cases that appeared to be surfacing were quickly squashed and we never heard anything else about them.

Q Would you tell us a little bit about Guilford County and how the minimum competency testing program has been implemented there in your situation?

A Guilford County is located in the Piedmont section of North Carolina. It has a population of about 315,000, two major cities, Greensboro and High Point, with three school districts. I am in the county school district. The county is reasonably well off. It is ranked second in

wealth in North Carolina. The school systems therefore benefit from some of that wealth.

The Guilford County school system has approximately 25,000 students, with 44 schools and 8 high schools. It is the sixth largest system in North Carolina.

Implementing the program in Guilford County turned out to be a reasonably smooth process. Certainly one is always uncertain about the state legislature and what it really has in mind. But because of what I considered to be sufficient direction and lead time from the state, we were able to put together a plan of action that allowed us to begin talking with the principals -- I say "us"; I am thinking of the testing coordinator and myself -- at a time approximately seven to eight months in advance of the first administration.

And in the process of doing that, we were able to talk about staff needs, materials, staff development needs, scheduling, and those little mechanical things that sometimes drive you nuts at the last minute when you are trying to put together something like this.

Based on that process, the principals made plans in the spring of the year, the spring of '78 prior to the first administration and at about the time of the trial testing, to have remedial reading and mathematics classes in

the high schools as a part of the regular schedule, and began to identify individuals who would be appropriate as teachers in those classes. And you will hear from one of those persons next, I believe.

Also, there were situations where we simply didn't have people already under contract at the sites who seemed appropriate. So during the summer, as attrition provided opportunities, principals made selections for those remedial classes based on that opportunity.

Q So there was clearly an instructional orientation in your implementation of this program?

A Very much so.

We have a couple of other things, too, that worked especially well. During the summer the instructional supervisors for reading or language arts and mathematics began to do their work, putting together recommendations on how to provide remedial instruction, how to organize classes, identifying appropriate materials that teachers might select from, and so on. And of course, they were ready to provide the service and staff development during the teacher work days prior to the opening of school, which was approximately two months before the test was to be administered.

Furthermore, we identified some pre-competency tests that we administered the first week of school that

year, that allowed us to identify those students who were marginal either way, as well as in rather great need of remediation.

We immediately established two forms of remediation at that point: what we called a short-term remedial program, and that was for the marginal students. Some of them just needed to work on fractions.

For the other students -- and we did identify some that we considered to have some major needs -- we placed them in a long-term remedial program with the prospect that they would be there after the competency test was administered.

And then finally, we established -- and I say "we"; the testing coordinator and I established -- what we called an advisory committee on competency testing in the school district. That was composed of principals, teachers, also students who were being affected by the program, parents of students, a board member, and some administrative staff. And like all advisory committees, we spent a good deal of time briefing them, bringing them up to date on what was happening in the trial testing and then, when the results came in, how to present those to your friends at church and bridge parties and the grocery store. You know, so we would have a cadre of knowledgeable people.

Then during the summer they worked some more and

got to the point where they were advising us rather than the other way around. And particularly they said, "Because of the nature of the program and its imminent effect on some students, we feel the public needs to better understand what is going on and encourage them to distribute materials to students and parents." Which we did, in process explaining the program. They encouraged us to go to the mass media.

So we went on TV with the local talk shows, having someone like yourself interview us and ask the questions, and what are we doing and so on.

And then finally, about a week before the competency test, we went on a radio call-in talk show: a parent that was on the committee, a student preparing to take the test, and myself. And I found that situation to be rather interesting, because I didn't have to say anything by that point. The parent and student could respond to all the questions the folks were asking when they called in.

Q You described a fairly intensive effort to design an effective program. Do you have any indication that the program in your school system is increasing youngsters' mastery of basic skills?

A Very much so. If I might refer to some charts that I have. In North Carolina initially -- and I say initially -- that is the first fall administration in '78 -- 90 percent of the students passed the reading test and 85

percent passed the mathematics test. That was the class of 1980. By the time they reached their senior year, the last month, 98.6 percent of those students had passed the reading part and 98.3 percent had passed the mathematics part.

Now, in Guilford County we started out a little ahead of the state, with 95 percent passing the reading part and 93.5 percent passing the mathematics part. And by the time for graduation of that group, 99 percent had passed the reading test and 98.2 percent had passed the mathematics test.

I think that's the kind of evidence that helps.

Q Thank you very much.

Have there been any major changes in the curriculum or instruction due to the minimum competency testing program?

A Yes, in both areas.

Q Could you describe those?

A In the area of curriculum, we often hear that programs like minimum competency testing are going to narrow the curriculum, shrink it, if you will. Based on personal research in the school district, that's not the case for average and above-average students.

For remedial students it is the case, and we intentionally narrow it to focus on the basic reading and mathematics skills that they need. But the interesting

facet there is that once they acquire those skills and they have performed successfully on the test, they expressed interest in extending themselves into other areas, other courses, and were then able to. They had some skills that were requisite to performing in vocational areas and other instructional areas.

Q So they had the basic skills that allowed them to expand their focus?

A Right.

In the area of instruction some other things happened that I found to be rather interesting. We found more small group and tutorial instruction in the remedial classes, and we found teachers using more frequent means of evaluation, as opposed to what I considered to be rather typical practices in secondary schools of large group instruction and teacher-made tests covering wide chunks of material. I thought those were rather significant changes.

Q Dr. Priddy, what do the citizens of Guilford County think about the diploma now that students are receiving it having passed this test?

A Well, first, I think you need to know that the state as well as the school system has made conscientious efforts to distribute all of the information about group and subgroup performance through the mass media, through board of education meetings, through reports from the schools to

the students, to the parents, and so on. So it is reasonable that if a person is paying some attention to what is going on that he or she is aware of the results.

I personally reviewed the minutes of our board of education meetings and our school advisory committee meetings since the inception of the program and found that all comments and references to competency testing were very complimentary. The lay folks as well as the board members were pleased.

Then I went on to look at the news media, particularly the newspapers, because they seem to take a great deal of interest in how well the schools are doing. I reviewed about two years worth of news clippings from three local newspapers. And I am pleased to say that in every case the reports, the news analyses, the editorials, the commentaries, were extremely favorable toward the program and the way it was implemented in Guilford County, and particularly about the performance of students.

Q Thank you.

Dr. Priddy, minimum competency testing has not been with us all that long, certainly not in North Carolina for very long. What were your original feelings about minimum competency testing and what are your feelings now?

A At the outset of the program in '77 and '78, when we were doing some of these things I was talking about, I

was rather skeptical of the entire thing. I perceived it to be somewhat faddish, perhaps politically motivated, potentially more harmful than helpful, and perhaps even discriminatory in the long run, based on some other research that we had available to us.

Even up until this past winter, I think I harbored some of those feelings. But yet, I had not seen the public outcry that we have seen in some other states.

During the winter and particularly in the spring, I did some research of my own, which I referred to, and because of that I shifted 180 degrees now. Going into and talking with people individually who are a part of the program allowed me to conclude very confidently that the students have taken the program very seriously, teachers have worked extremely hard to make it successful. The teachers and principals, the central administrative staff, the regional offices, the state board of education, and the governor are serious about the program and they are supporting it.

And of course, there are obvious indications of that, like $30 million for remediation over the last two and a half years, and so on and so on. But there are attitudinal indications, too. People can tell whether you are simply trying to cover or whether you are serious about helping people succeed in life.

Q So then you are now very positive toward the program?

A Extremely so. I think it has been beneficial to the students in Guilford County, which I can speak to very directly. But that is my perception from North Carolina.

DR. POPHAM: Thank you so much.

HEARING OFFICER JORDAN: Cross?

CROSS-EXAMINATION

BY DR. MADAUS:

Q You said, if I heard you correctly, that the standard for passing in North Carolina is very carefully set; is that correct?

A That's correct.

Q Are you familiar with Dr. Jaeger, a professor at the University of North Carolina?

A I am very familiar with him.

Q Were you here yesterday?

A Yes, I was.

Q Did you see the results of Dr. Jaeger's study of standard-setting in North Carolina?

A Yes, I did, Dr. Madaus. And if I may comment, I think there are some limitations to that study. He invited 650 people to participate at one point or another, and by the end of the study only 72 had. I think ten percent perhaps is a too limited response rate or participation

rate.

Q In the study that you did -- in which you indicated that on the basis of that you changed your mind -- I understand you had five schools that you sampled?

A Four. The fifth was a pilot site.

Q And you asked teachers and people working in the schools questions about the program?

A Yes.

Q What was your sample size per school?

A It involved the principal, the chairman of English mathematics departments, and the remedial reading and mathematics teachers.

Q So the mean response in any school was between four and six people?

A Yes. And I indicated that in the study.

Q Thank you.

Dr. Haney will inquire.

BY DR. HANEY:

Q I would just like to read a quote for you from an expert and ask you to react, if I might. I guess, to explain where this comes from --

A Will he go unnamed?

Q I hope you can identify him for us. I'm sure you are familiar with the study that this expert undertook in North Carolina.

The reason I'm asking this is that when Dr. Popham asked you about the effect of the program on basic skills you cited data concerning concerning the pass rate on the test. But, of course, it is not necessarily the case that simply because pass rates went up that skills have gone up. The test may have become easier over time.

As I'm sure you know, the question was at issue in North Carolina and your competency testing commission invited independent experts to evaluate the test results in 1979. One independent testing expert described in the report of his opinions as a nationally known test evaluator, he said:

"It is apparent that they, the new and revised test questions, are easier."

Do you recall who said that?

A No, I'm sorry, I do not.

Q Well, it happens to be Dr. Popham who said that.

A May I react?

Q Please do.

A Well, two additional forms of each test have been developed since the original administrations and there have been equating studies performed to ensure that the standards for all three in each area are similar.

Q Yes. But nevertheless, given Dr. Popham's opinion, is it not fair to hypothesize that pass rates may

have increased over the lifeterm of the program in part because the test has become easier?

A One can hypothesize many things.

MR. HANEY: Thank you.

HEARING OFFICER JORDAN: Redirect?

REDIRECT EXAMINATION

BY DR. POPHAM:

Q Just one question. With respect to reacting to quotations, do you think you get a fuller flavor for the position in reacting to a paragraph or a sentence?

A I suspect fuller flavor is derived from entire paragraphs or even chapters.

HEARING OFFICER JORDAN: If you have a substantive, relevant question to ask, Dr. Haney, on recross, we will have it. But if we are going to go into a little bit of games playing, I will not see that occur.

MR. HANEY: I didn't mean to offer a flip comment. Personally, we would have liked to have cited more from this study. However, we were not informed of the study in North Carolina, despite some of the ground rules of this hearing. That is, that opposite teams would share information completely concerning evidence that was relevant to both sides of the case. We do not have access to the full report.

HEARING OFFICER JORDAN: We certainly understand

that, and I don't think that report is being offered for consideration in terms of the compiling of evidence.

Thank you very much, Dr. Priddy, for coming and helping us to understand and clarify the issues which surround MCT.

The next witness is Mrs. Gloria Ramsey, a teacher at Lucy Ragsdale High School. And is Jamestown, North Carolina, correct for you?

MRS. RAMSEY: No, that's High Point.

HEARING OFFICER JORDAN: Okay, High Point. But you teach at Jamestown?

MRS. RAMSEY: Yes.

HEARING OFFICER JORDAN: Very good. Mrs. Ramsey.

TESTIMONY OF GLORIA RAMSEY, TEACHER,
LUCY RAGSDALE HIGH SCHOOL,
JAMESTOWN, NORTH CAROLINA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mrs. Ramsey, what is your professional role?

A At this point I am a vocational coordinator and counselor and math remediation coordinator and teacher for the North Carolina competency test at Ragsdale High School.

Q Could you describe Ragsdale High School for us? Give me an idea of what it's like.

A Yes. Ragsdale is located in an upper middle class

community with very much parental and financial support. We have 1,050 students, 75 percent white, 25 percent black.

Q How did you become a remedial instruction teacher at Ragsdale High?

A I have worn many hats at Ragsdale. However, the principal indicated to us in 1977 that two teachers would be chosen to coordinate the reading and the math for the North Carolina competency test, and from that I was chosen as the math coordinator.

Q In your opinion what has been the effect of minimum competency testing on students in your high school?

A At Ragsdale High School it has been the best thing that has ever happened to the students.

Q The best thing that has ever happened to the students?

A Yes.

Q That's a pretty strong statement. Would you like to expand on that?

A Yes, I most certainly can. I have been directly involved with minimum competency at Ragsdale High School. When I say the best thing that happened to students, it has caused the minority students to feel that they are part of Ragsdale High School, which in many cases they did not feel in the past.

I have seen peer relations improve, students

helping students, students volunteering to help each other. It has just been great. I have seen a drastic change there at Ragsdale.

Q What about the impact of the program on students' attitudes? Apparently it's been positive. Could you amplify on that?

A Absolutely. At Ragsdale, located where we are, the academic standard has always been very high at the school because the majority of our students either go on to college or technical institutes. As a result of North Carolina competency testing, those students who particularly felt that they were left out or that they had not excelled because of emphasis possibly being shifted a little in the direction of the GT student now felt a sense of accomplishment.

Therefore, it is like anything else. If no one pays attention, if you are pushed aside, you do nothing. But when you gain what I feel was long overdue, just due for these students, they felt a part -- which gave them self-esteem and everything changed completely.

Q Ms. Ramsey, how have teachers been affected at Ragsdale High?

A Overall, the teachers at Ragsdale High School have been pleased, not only at the school level, but central office staff, regional office staff and state. As Dr.

Priddy has stated, we had a chance to prepare for this test and everyone took part in this. I saw a closer relationship with teachers and staff coordinators from the central office. The regional staff was willing to contribute its input, and we even had the state directors.

Any time people are informed before the fact rather than after the fact, you will get this kind of result. And this is what has been done in Guilford County. And I can only speak for my particular situation because this is what I am familiar with.

Now, as a result of this, most teachers, some who have come to me in the past and said -- I'm lost, I don't know what to do for Johnny, I don't know how to reach the students -- now they have a tool. They have expanded their curriculum so that they can help Johnny, and this is in their particular subject areas, the reading and the English, and American history. All of these courses play a part in this remedial work that we are doing.

Q Let's talk about that expansion of the curriculum. Are students having a chance to learn only the basics or are they learning more than the basics?

A Absolutely not. At Ragsdale we were also the pilot program for computer-assisted instruction. The funds happened to -- because of minimum competency testing, we got computers for the students to work on through remedial

funds. The computers were at that time primarily -- well, they were solely for the purpose of a supplementary form of materials for the remedial students.

Had it not been for this component, the minority student I doubt very seriously at Ragsdale School would have had a chance to have hands on the computer. No way. As a result of the minimum competency testing, the remedial students had a chance to use the computers first, and this inspired interest from the GT students, naturally, because only the remedial students knew how to key into the computer, how to work with the computer, and the GT students wanted to learn the computer. After all, we are living in a computer technology world.

And then this caused us to be able to get another grant, and now for the GT students -- we have a gifted and talented program in computer science. The students are all in the same lab, so there is no stigma. They are all using it at the same time. It is integrated, so therefore the students all work at the same time, so there is no stigma whatsoever attached.

Q Ms. Ramsey, as a concluding question, in your opinion will minority students suffer in any way from the minimum competency testing program?

A I would say not. For the first time, I have been pleased, being in the system and seeing what is happening.

As I stated before, I am a vocational coordinator. I not only remediate the minority kids. There are some middle class kids who have failed the cutoff point by one or two points.

Naturally, no one feels good with failure. Those students who were failing were not feeling good. But when you explain to them that this is not the end of the world, that you can do it, and let them get in there and do it and let them see that they can do it, it's the best thing that has happened to those kids.

Because I have long sat there and saw these kids pushed aside, socially promoted, given a diploma, and get out there and employers call me back and say: Johnny can't fill out his application. You have sent him here to apply for the job, but he can't fill out the application. Or Johnny can't add, or so forth and so on.

But now the teachers are becoming concerned, so they are becoming accountable, and the students are getting what they need. So I feel that we had nothing at first. Now we have something to start with. Anything new there is going to be some questions. Somebody is going to be affected by it. But as a starting tool -- and we can always continue, we must continue to evaluate. But as a starting tool, I really think this is the best thing that has happened to the minority students in North Carolina, and

particularly in my area.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Cross?

DR. MADAUS: We have no questions.

HEARING OFFICER JORDAN: Thank you very much.

The next witness, Mr. Craig McFadden, Director of Psychological Services and Testing, Goldsboro, North Carolina.

TESTIMONY OF CRAIG McFADDEN,
DIRECTOR OF PSYCHOLOGICAL SERVICES AND
TESTING, GOLDSBORO, NORTH CAROLINA
DIRECT EXAMINATION

BY MR. POPHAM:

Q Mr. McFadden, what is your current position?

A I am coordinator of psychological services and testing for the Goldsboro City Schools in Goldsboro, North Carolina.

Q Would you describe briefly the Goldsboro City School District?

A Golisboro City Schools serve a small community in eastern North Carolina of about 35,000. The city district, the school district itself, has many of the problems of larger inner city school systems. New suburbs in the county that the county schools serve and white flight have left the system with about a 70 percent black, 30 percent white

ratio. It's a direct inverse ratio that the state has.

Q What are your responsibilities as director of testing for the Goldsboro City Schools?

A I coordinate the various group testing programs in the city school system, including the North Carolina competency testing program. That involves organizing testing materials, instructing test administrators on the standardized testing procedures, monitoring the test administration to make sure that the standardized procedures are being followed. I analyze the data when it comes back for teachers, other administrators, board of education, local news media.

Q What has the overall impact of the North Carolina competency testing program been in Goldboro?

A It has been very positive and very well-received within the school system and within the community at large. As was previously stated, there are two tests, a reading and math test, consisting of about 120 items each. If a student fails in the fall of his junior year, then he can take it in the spring of his junior year, and if he fails again, in the fall of senior year and the spring of senior year. After graduation he can keep coming back until he is 21 to retake the test.

Q Has Goldsboro attempted to do anything distinctive with respect to the implementation of the state-wide test?

A Yes. As I stated earlier, the state mandates the testing program be started with the test administration in the fall of the student's junior year. We have gone back to the seventh grade and used annual achievement testing results to try to identify high-risk students or students in danger of failing the competency test in the eleventh grade.

In the eighth grade, fall of the eighth grade, all students are administered a pre-competency test which -- from there, students who fail that test -- we identify about 35 percent of the high-risk students. With that, an IEP or individual educational program is written for those students, and the teachers begin to instruct a little bit more toward those educational objectives.

Q Is there any evidence to indicate that students have increased their mastery of basic skills as a consequence of this program?

A Yes. If I could refer to the graphics there, unlike Guilford County, we started out somewhat below the state in the percentage of passing. In the fall of 1978, our junior class of 498 students, we had 14 percent fail the reading test and 25 percent fail the math test. This was a total of 129 students overall, roughly one-quarter of our class.

By the end of the senior year -- and this is the

spring of 1980 -- these students now preparing for graduation, the senior class dropped to 441. Of the 129 students who originally failed the test, 22 left school for one reason or another. The percentage of passing has moved to 98 percent in both reading and math, which is very close, right on the state average.

Q So even though you started below the state average, you were able to achieve the same level as the state?

A Right.

Q What about students' attitudes?

A When the test results first come out, there is of course initial disappointment with the test results for those students who fail it. Then once they are placed in the special labs -- if they fail the competency test at the beginning of the eleventh grade, they are placed in special remedial labs that are success-oriented. A lot of error-free type learning goes on in there.

And a lot of times this will be the first experience with success the students have had in all 11 years of school. These are not the college-bound students we are talking about. Rather, they are students who have had failure for their whole 11 years in school. So the labs are offering the only place that success occurs for these students. It's a very positive experience for them in the

labs.

Also, once they get into their regular classrooms and regular curriculum, they seem to be better able to handle the material that goes on there.

Q Then of course, as you have indicated, so many are finally able to pass the test. That must be positive.

A Definitely.

Q How about the teachers in your school system. How have they been affected by this program?

A The special lab teachers, of course, their entire curriculum is based on the competence test and teaching these basic skills. The regular classroom teachers are not really affected at all in their teaching. I have talked with several of them, of course, over the period of the last three years and they have had nothing but praises for the fact that these students who used to come to their class without even -- come into a geometry class without even the basic mathematics abilities, now begin to achieve on a grade level that they're supposed to.

Q Are the test results used at all in connection with the instructional program? How do those relate?

A Okay. We get a computer sheet on each student that specifically points out the student's strengths and weaknesses. And those printouts are used as the foundation for the IEP that is written on each student each year or the

individual educational program for that student. Overall, teachers zero in on those areas of weaknesses.

Q A common argument against minimum competency testing is that minimum levels of instruction become maximum levels. In other words, the focus on the skills in the minimum competency test essentially crowds out other aspects of the curriculum. Has that been the case in Goldsboro?

A No. The statewide graduation requirements that existed before competency testing still exist now. Passing the competency test is an additional requirement.

Q So it is not the sole and only criterion?

A No. The original curriculum still exists. The student must pass so many English units and math units that the state requires, plus the competency test.

Q From your earlier remarks, I suspect that the teachers teaching that full array of the curriculum seem more positive as a consequence?

A Yes. They are definitely more pleased with the skills that the students possess when they enter their classrooms. But their actual teaching has not changed.

Q What is the public response to the minimum competency testing program in Goldboro?

A The public response has been very positive. In working in the school system for several years, nothing has brought out as much response from the public. I have had

manufacturers and employers in the city call me up and say, this is great. We seem to be very reassured now that the high school students with a high school diploma will possess certain basic reading and mathematics skills, marketable skills.

Q In conclusion, then, what is your personal estimate of the impact of the minimum competency testing program in North Carolina, particularly in your own situation?

A Well, I don't think any venture of this magnitude, statewide competency tests, can be all positive. There are certainly problems with a cutoff score; one point below, one point above, what's the difference. We have had students visibly upset over results. And just administratively, the man-hours it takes to properly implement this program is incredible.

But the benefits far outweigh any drawbacks. If you send students out, high school students with a high school diploma who cannot fill out a job application, cannot read a bus schedule, cannot read a menu, cannot add up the prices of things, cannot determine how much change they should get back, nor look at a water bill and determine how much they owe on that water bill -- that is what this competency test is based at: giving those students those basic survival skills.

And we're not talking about the college-bound student. We're talking about the student who is going to leave high school and try to make it out there in the real world. Without these skills, that student is going to have problems.

DR. POPHAM: Thank you so much.

HEARING OFFICER JORDAN: Cross.

CROSS EXAMINATION

BY MR. MADAUS:

Q Mr. Priddy, isn't it true that you cannot get a diploma in North Carolina unless you pass the state test?

A That's true.

Q You are a director of testing and psychological services?

A Correct.

Q So your training is in testing, psychological testing, educational testing?

A Correct.

Q Are you a member of any professional organizations that deal with testing?

A The American Psychological Association.

Q You're a member of the APA?

A Yes.

Q Are you familiar with the APA 1974 test standards?

A Familiar, yes.

Q As a test director, of course, these are guides for good practices in testing, is that right?

A Yes.

Q Let me read you two short quotations, and these are not out of context:

"Frequently one will not have enough confidence in test interpretations to justify over other data." Or: "A test user should consider more than one variable for assessment, and the assessment of any given variable by more than one method."

As a testing person, would you agree with that?

A Again, when the testing program first started -- of course, my training is in psychological assessment. The first thing you will learn in any graduate assessment course is, do not use the test as a sole criterion for making educational decisions.

Where I think the North Carolina competency test overcomes that --

Q Do you agree with that?

A Yes, basically I agree with that. The way it works down there is the fact that these students are not given one shot at the test. They are given many opportunities to pass the test, with remediation in between.

Q And when they fail it the first time right around the cut-off score, doesn't that result in labeling until they take it again? Aren't they labeled?

A How do you mean by "labeled"? Yes, they are.

Q Incompetent. And yet they may by test error have been over the cut-off score.

A If they are in the eleventh grade and do not pass this test, they have been labeled long before they took the test.

Q So we don't need the test?

A The tests are useful I think primarily in singling out or pointing out those specific areas that the student has weaknesses in and directing instruction.

Q You just said we know that already.

A We know maybe generally that they are low or generally that this student has not succeeded in academics.

Q You said another interesting thing that goes against your graduate training. You said one or two items below or over don't make a difference?

A Again, if the students take it in the fall of their junior year and are only given one shot at it, I would be against it.

Q But doesn't it make a difference to an individual kid? Doesn't it make a difference to an individual, a youngster? Doesn't it make a difference?

A Sure it does. But if they were to leave the high school without those skills, I think that would make even more of a difference.

Q Let's pursue that for a minute. If a student takes it the first time and passes it by one point, does the student have to take it again?

A No.

Q Maybe the student didn't have the skills and we're putting the person out into the world.

A That's one of the problems.

Q Exactly.

A It's a criterion-referenced test, like a driver's test.

Q This is our point.

I'm sorry, we're out of time. Thank you very much.

A Thank you.

HEARING OFFICER JORDAN: You are excused. Thank you.

We are now going to take a break for 15 minutes. We should reconvene shortly past 10:30.

(Recess.)

HEARING OFFICER JORDAN: All right. The next witness is Dr. Arthur Jefferson, General Superintendent, Detroit Public Schools, Detroit Michigan.

TESTIMONY OF DR. ARTHUR JEFFERSON,
GENERAL SUPERINTENDENT, DETROIT PUBLIC SCHOOLS,
DETROIT, MICHIGAN
DIRECT EXAMINATION

BY DR. POPHAM:

Q Dr. Jefferson, you have been introduced as the General Superintendent of the Detroit Public Schools. How long have you served in that role?

A I served as General Superintendent for six years.

Q Have you had any previous experience as an educator, and if so what is that experience?

A I am this year 21 years as a practicing educator. I started out as a teacher and served in a number of other capacities at the local school level and at the central level, both administratively and, for the last six years, as General Superintendent.

Q Superintendent Jefferson, could you briefly describe the Detroit Public Schools for us?

A The Detroit Public Schools is the sixth largest public school district in the United States. We have over 220,000 students, are demographically 86 percent black, about 2 percent Hispanic, and about 12 percent white.

Q Before turning specifically to the topic of minimum competency testing, would you please set the context a little bit for us by describing what public education is

like these days in an urban setting?

A Interesting is one word that I could utilize, and perhaps your imagination could go from there. But more specifically, I think our urban school districts -- and Detroit is no exception -- you will find some of the best schools in my district in the state of Michigan, you will find some that are mediocre, you will find some, quite frankly, that are poor.

There is one other characteristic, not only in our district, which but I think it is true from talking to my colleagues in other urban school districts. I think we know, as urban educators, a lot more about what it takes to make a successful educational school system, an educational program, than we did perhaps 10, 15 years ago. And I think that we in urban education feel a heck of a lot more optimistic about the future than perhaps we did a decade ago.

Q You are in the state of Michigan. Is there a statewide requirement in Michigan for districts to have minimum competency testing programs?

A No, we don't have a statewide minimum competency program in Michigan at all.

Q Why on earth did the Detroit Public Schools choose to initiate a minimum competency testing program?

A Well, I think that I would like to respond in this

way. We have been concerned, particularly since the mid-70's, with trying to improve the quality of education totally for our youngsters. The minimum competency testing program, what we call our proficiency program, is only one step we have been instituting in our school district since 1975.

We first started with a citywide reading program at the elementary grade level. Now it is K through 8. We went then into a mathematics program. So what I am saying is that we were beginning in 1975 to lay the groundwork at the basic levels, at the elementary and middle school level.

In 1977 we felt it was a natural extension to move into the senior high school level in terms of our high school proficiency program. Quite frankly, we were graduating a good number of students who were doing very well, no question about that. But we also were graduating a significant number of students who by anyone's test, particularly ours, made us doubt they had acquired those fundamental skills that would enable them to become productive human beings, first of all in pursuing whatever they wanted to pursue, and secondly becoming productive citizens in whatever community they chose to reside in.

Q But at a time when many educators were actively resisting the imposition of minimum competency testing, you

and your associates in the Detroit Public Schools created your own voluntarily?

A That's correct, and that's one of the reasons that I wanted to indicate that we were doing a number of other things in terms of totally looking at our instructional program. And the high school proficiency program, our competency program was one step toward that, I believe, as a comprehensive look at what we were doing as educators, what we were expecting of students and what we owed parents and other supporters of our public school system.

Q Briefly, could you describe the main features of the Detroit high school proficiency program?

A Basically, our program is primarily an instructional improvement program. By that I mean that we are concerned with totally looking at our curriculum, our instructional program, to be able to define much more sharply what it is we expect students to learn, particularly as we focus on these fundamental areas of reading, mathematics, and writing skills.

So we were concerned, first of all, that this be a significant intervention to improve the total instructional program. On the other hand, there's no question that our program is a testing program. We do test youngsters for diagnostic purposes so that we can gear our instructional program to help to undergird those weaknesses that are

displayed by the test, as well as to build upon those strengths.

Thirdly, our program is one that may have a distinct feature in the sense that the mathematics and reading portions are multiple choice, but the writing portion of the test requires our youngsters to write, and they are hand-scored, a very elaborate process that we have to go at.

A fourth characteristic of our program is that we were concerned with being fairer to students in terms of an early warning system which starts in the tenth grade. Tenth graders can take the exam and if they pass it, then fine. But if they don't, then we as educators can use that information, hopefully in a meaningful instructional manner, to help that student along.

Q What happens to a student who takes his test in reading, writing and mathematics, and after several attempts does not pass the test? What happens to, let's say, the end of the twelfth grade?

A The student graduates and receives a diploma.

Q Is there any indication that that is in some way different than other diplomas?

A There is. A student -- well, let's put it the other way around. A student who passes all three sections of our exam receives what we call an endorsed diploma. That

is, it is clearly indicated on the diploma that that student has mastered the proficiency exam.

Q So if I understand you, a student in Detroit who do not pass the examination is at an early point identified as needing remedial assistance, and at a later juncture if they don't pass the examination they get a diploma, but it is not an endorsed diploma, is that correct?

A That's correct.

Q Do you have any evidence to indicate that the program is having beneficial effects on students? It's early in the game, of course, but what about early results?

A Early results I think are certainly indicative of some positive directions. I would emphasize it is early in the game, even though, upon my recommendation, the board adopted our program in 1977. But we were concerned that we should take a very rational approach to the development of this program. So the first testing really did not occur in terms of getting any hard data until 1980.

From 1977, the fall of 1977 until 1980, it was as very comprehensive developmental process. In the first exam, given in January of 1980, as I recall about 40 percent of the twelfth graders passed, then twelfth graders, passed all three sections of the examination. Incidentally, about 80 percent passed the reading portion, but our requirement is that students must pass all three sections -- reading,

writing and mathematics.

We gave the test again in January of 1981 for those students who are graduating in June of this year, and that figure increased to roughly 70 percent of our twelfth grade students who graduated this past June, passed the exam.

But I would indicate very. very clearly that it is early in the game in terms of hard data, like test results. I could point out, however, that we do administer other standardized tests as well. The state administers a state assessment exam for our tenth graders, and all of those indicators show that our students are increasing as far as test results go.

Q So there is evidence from other tests that students in Detroit are advancing in their mastery of basic skills?

A That's correct.

Q Could this improvement be merely a matter of having teachers in Detroit teaching particular test items?

A Well, I don't think so. When I say that, what I mean is that I certainly hope our teachers are teaching those competencies that we are attempting to measure. And incidentally, we are talking about very broad competencies. There are four competencies in each of the three major categories: four in reading, four in mathematics, and four

in writing.

We took that approach because we didn't want to get involved in a lot of minute or discrete competencies. We would rather get those fundamental ones. And I would hope that our teachers, our instructional staff -- we spent an awful lot of time in in-service work developing instructional materials, and I would hope that, for example in reading, that our teachers are teaching students how to identify the main idea of a reading passage. I would hope that our teachers are teaching students grammatically how to set forth a clear and cogent and concise sentence and to develop a paragraph that makes some sense to the reader.

So if you are talking about whether or not our teachers hopefully are doing that, then yes, I hope that is the case. But as far as in a much more narrow sense of teaching the test per se, no, I hope that is not the case.

Q If I understand you, then, you would encourage the teachers to teach toward these 12 broad skills?

A No question about it.

Q You described the student population of Detroit as 86 percent black. It is often alleged that black youngsters will be harmed by minimum competency tests. What is your view as to how minimum competency testing will impact on the black students in Detroit?

A Well, I think that any kind of intervention

strategy that one utilizes certainly has the potential to be discriminatory in nature. We ought to describe perhaps more extensively the environmental circumstances existing within our city. Our city population-wise has a black adult population of 63 percent, as a matter of fact, in terms of the 1980 census.

Our board is majority black. Of the 13 members of the central board, I am obviously black. I would hope so. And so are many of my colleagues. But also, I have many white colleagues who have worked very extensively on this program, and I think that we bring a certain amount of sensitivity, hopefully, to this issue, to make sure that, realizing that we are dealing with a population that is majority black, that we would employ any strategy -- and this would be no exception -- that would be sensitive to the potential discriminatory nature of the testing program.

So I just want to say that as a prelude to perhaps specifically answering your question. I happen to believe that black students can learn like any other students. I happen to believe that we do a disservice to our students if we do not accept that fundamental proposition that indeed they are capable of learning. And it seems to me that what we are talking about are simply those -- not all of the skills, not all of the understandings and the concepts that an "educated," quote, person may need, but certainly some of

the most fundamental skills.

And frankly, I think I would be doing a disservice to our student population if I sold them short and in any way implied that indeed those are kinds of skills they cannot master. So I can't speak in general in terms of what is going on in other states. Obviously, we tried to be sensitive to some of those issues that historically might have been discriminatory toward minority students.

But I can speak more specifically about our students and our situation and how we attempt to approach it. And I am convinced that we have instituted all of the safeguards that at least we were aware of.

Q Overall, then, as you think about the Detroit high school proficiency program currently and think about its future, what is your opinion?

A My opinion is positive. It is positive on the basis that I think that we in education -- and let me be more specific -- we in urban education, during the latter part of the 60s and 70s we went through a very, very dynamic period, to say the least, where, if I may coin a colloquial phrase, where everyone was simply doing their own thing, a heck of a lot of experimentation, some of which, quite frankly, in retrospect I think was very bad.

What we are attempting to do now, I think, in urban education is to recognize that indeed we have a

responsibility as educators to do our job, and it seems that one of those jobs as a teacher is to clearly understand what it is that you are trying to teach to a group of students. And I think that proficiency exam is a vehicle to help us as educators to do their job a hell of a lot, excuse me, better.

Secondly, I think we have a responsibility to students. But students have responsibilities as well. They need to know very clearly what it is that we expect of them, and I think that our proficiency exam helps to clarify better what we have been trying to do in the past decade in letting students know what we expect of them, at least in those areas that this proficiency exam covers.

And finally, I think we are responsible to the parents and the larger community that support our public educational system. I see the proficiency exam, at least as we have attempted to design it and implement it in our setting, as going a long way in being responsible to our parents and to other community persons who support our public schools.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Cross-examine?

CROSS EXAMINATION

BY MR. BREEDEN:

Q Most of my questions are designed to help me

understand some reports that were given to you and that you passed on to the chairperson of the curriculum committee giving statistics on the proficiency exam and its outcomes.

The first question I would like to ask is: What is the experience in Detroit in terms of the enrollment in the public schools? Are you experiencing a sudden upsurge in enrollment during this?

A No. Our enrollment is declining. But over the last three years the rate of decline has lessened or decreased. But we are still declining in enrollment. We expect it to level off in the next five years.

Q I see. I observed from the data reported that in the tenth grade, for instance, there were about 10,000 students and in the eleventh grade about 9,000, and in the twelfth grade about 7,000. Doesn't represent a surge, a wave moving through? What explains the lesser numbers of students at each grade?

A Well, I think that typically many of our school districts, and ours is no exception, have too high a dropout rate in terms of students entering. For example, in senior high school, entering ninth graders, due to a high dropout rate, will reach the twelfth grade as a smaller group.

Q I see. Thank you.

The diploma endorsement was another. I am not quite certain how it operates. Is there a cutoff score in

each of the three areas of competency?

A There is a cutoff score in each of the three areas. And as I indicated, students must pass in order to receive the endorsed diploma.

Q What is that cutoff score?

A For reading and mathematics, it is -- I'm sorry. For reading and writing, it is 70 percent, and for mathematics it is 65 percent.

Q I see. Then the question is in terms of the distinction you make between the endorsed and the unendorsed graduation diploma. I am a little familiar with this kind of distinction. I guess several of my degrees have things like "honors" or something like that, although no one has ever inquired on any employment interview whether I had endorsements or not.

But have you any notion of what the effect of endorsed or unendorsed has on the student's ability to go to, say, an employer and seek a job if there were two students presenting themselves?

A Well, I don't have any hard data because June of 1981 was the first year that that occurred. So we're talking about a little while ago when the first students were subjected to that written requirement. But I can say in general, as you have already pointed out, differential diplomas is not something that are new. High school

students as well as college graduates have been receiving differential diplomas in terms of honors.

Q You don't expect employers or admissions committees to use little checkmarks saying high school students -- endorsed and not?

A Not any more than they do it now to determine whether or not a student graduates summa cum laude.

Q One final question: Does the diploma indicate what the score was? For instance, if I got an unendorsed diploma would it say 52?

A No.

Q So there's no indication?

A There's no such indication. The student knows it, though.

MR. BREEDEN: Thank you.

HEARING OFFICER JORDAN: Thank you very much, Dr. Jefferson. You are excused.

The next witness is Dr. Stuard Rankin, Office of Research, Planning and Evaluation, Detroit Public Schools, Detroit, Michigan.

TESTIMONY OF DR. STUART C. RANKIN,

ASSISTANT SUPERINTENDENT, RESEARCH,

EVALUATION AND PLANNING, DETROIT PUBLIC SCHOOLS,

DIRECT EXAMINATION

BY DR. POPHAM:

Q Dr. Rankin, what is your current position in the Detroit Public Schools?

A I'm Assistant Superintendent for Research, Planning and Evaluation.

Q How long have you been associated with the Detroit Public Schools?

A I was first employed in 1953 as a teacher, so it is nearly 30 years except for about a three-year period when I was sent to direct the Michigan-Ohio Regional Educational Laboratory.

Q What was the nature of your involvement with the Detroit high school proficiency program?

A I guess I carried the fundamental responsibility for the development of the program, its installation in the school system, and its operation and revision.

Q Could you describe the main features of how this minimum competency testing program was created?

A Well, it began back in '77 when Dr. Jefferson asked me and some of my colleagues to develop such a program and to look into how we should go about developing it. And the first thing we did was to gather a group together of people on the national level who had some experiences and tried tofind out from them what mistakes we could avoid.

Shortly after that, in the summer of 1977, Dr. Jefferson recommended to the Board of Education that we go

ahead with the development of such a program, and we outlined some of our fundamental concerns and directions at that point. Following that we decided that we should use an outside contractor to help us develop a test because we didn't feel we had sufficient in-house test development capability, and we also felt that there was no test on the market that would be good enough.

So we issued a request for proposals and reviewed those from a number of different test development groups, selected one in the middle of the '77-'78 school year. And then in the spring of '78, I guess it was, that Dr. Jefferson established a competency selection committee made up of staff members, community people, students, employers in the Detroit area. Then that group of about 40 people identified some 19 competencies altogether in three areas. They used the 19 to search for response from the community, from staff, from students.

And on the basis of those responses, that same committee made a decision in June of 1978 for 12 competencies, four in each of the three areas. At that point we wanted to be sure that the competencies were totally and fully made clear, developed properly and wereunderstood, and therefore that they could give direction to the instructional program and to the test development effort and the development of test items.

So test specifications were developed. That was done by the test contractor, but it was reviewed fully by staff to be sure that there was a good fit between our curriculum, our instructional program and the test specifications.

We also reviewed them, as the contractor had, from the standpoint of bias for race and sex. Once we were satisfied with the test specifications, we informed the test developer that the test items should be developed. This was done during the '78-79 year in the fall. And we also developed instructional support systems, programs, competency tapes, slides, in-service programs -- and by these I mean orientation and materials, a program manual made available to all teachers that would give in great detail a description of the competencies and the program.

The next spring we implemented the program as a pilot in four schools, and on the basis of that experience we learned something about the instructional part of it and about the tests. We used the results of that pilot program -- well, I'm getting out of sequence.

We then gave a field test for all of the items. We had developed 60 items. The test contractor developed 60 items for each of the 12 skills, except for the one -- we have one that is not a multiple choice, and that is the writing sample. Every student in the Detroit test is

required to actually write a paragraph in response to a prompt, so that we can look at a real product in that situation.

So anyway, we developed 60 for each of the 12 skills, put them together in three different forms of the test, plus an early form for grade eight so that we could get an early fix on where our students were. And the other forms had ten items per skill and that form had only five. We gave a field test to assign difficulty levels using a Rosh model to make sure that the forms were equivalent and if we had to add items later on we would be able to do so.

At that time we were ready now to begin implementation in the '79-'80 school year. So we had a massive in-service education program. We had an orientation program for parents and students. And we began moving forward.

The instructional program had three parts: One, we took a good look at the fit between these skills and our whole K through 12 curriculum and tried to work there to be sure that that fit continued and got better. We taught, even if they knew them, these skills to all eighth and ninth graders, made sure they were part of that curriculum, and developed a remedial program at the high school level during the school year and the summers.

We gave the test for the first time in '79 and '80

to tenth and eleventh graders, because that eleventh grade class would be the first ones under the gun this spring. Now, we finally gave it to tenth, eleventh and twelfth graders this year. And as Dr. Jefferson pointed out, we have put the final step of the program in operation, which is the use of an endorsement on the diploma for those who have passed.

Q Thank you for that very complete description.

Could I infer that the high points included careful community participation in the selection of the competencies?

A Indeed.

Q There was test development with external assistance, but under your control?

A Yes.

Q And there was an effort to link the test effort with instruction in a very formidable fashion?

A Yes.

Q Thank you.

Could you indicate how the program is now functioning? What is your estimate of how it is functioning at this time?

A Well, we are very close to it, and the reason is we have an implementation committee that consists of people from each region and some high school principals and all the

key department people in instruction and research, which meets on a very regular basis. So we are very close to following it as it goes, and it appears to me that early returns are very good.

By that I mean that it appears that, although this is a fairly difficult test, that schools seem to be scoring better the second time around. It appears that our remedial programs are having the desired impact, that the youngsters are able to learn these skills. If they had not had them earlier, they are now able to master them.

We get reports from teachers on a regular basis, and this is I think the most important part of it, that the clarification that we have given to the teaching of certain writing skills and reading skills and math skills through this test development process has made their understanding of how to teach them quite a bit better, and that they now feel much more able to do a better job at teaching reading, writing and mathematics than they had before we had done this.

Now, perhaps they could have done it withouthaving the test. But the point is -- and this is a key point, I think -- that if you do a really good job of making clear what you will accept as proof that learning has taken place and you use that to help direct the instructional development and the instruction, then I think it is far more

likely that the youngsters are going to be clear on what's expected and the teachers are going to be clear on what's expected.

And we have found that our teachers are enthusiastic about that. We have those reports from department heads and principals and others, the teachers themselves within the schools.

The students have taken the program very seriously. Many of our students who did not pass the examination who were seniors and have graduated and been given a diploma are enrolled in our summer school this summer because they want to get that endorsement.

Q Clarity of expectation, then, if I understand, is a key ingredient in the Detroit program?

A Yes, it is.

Q You seem somewhat positive toward the program, Dr. Rankin. Have you always been?

A Well, I think what happens when you get so deeply involved in something is you become enthusiastic about it because you have a stake in it. So you may be seeing some of that.

I guess I would have to admit that at the early stages I had some of the same reservations -- I have not heard the testimony for the last two days, but the same reservations I am sure that have been presented by the con

side here. Some of the questions that would be raised I'm sure were ones that I had in my mind.

We have done everything we can to try to see that unfair burdens are not placed on students, that instruction is not limited to the fundamental skills, that all of the safeguards of the early warning systems in place, that it really is an instructional program and not just a testing program, and that the test is fair.

We have tried to do everything we can. So I guess I have become in some sense maybe a convert, and I am quite enthusiastic about it now.

Q Thank you.

Is it true that you have been a longstanding proponent of humanistic education?

A Yes, sir.

Q Do you see the Detroit high school proficiency program as humane?

A Indeed. I believe that letting youngsters go through school without requiring performance from them that they are capable of giving is less than humane. I believe that it is essential that if you really believe that all kids can learn, that you have to treat them all as if they are learners. And this means you can't just give them an opportunity and bring them to the cafeteria of knowledge, but you have to insist.

So therefore one has to be a little more demanding. And this is a way to do that which we feel is not unduly punitive and puts some seriousness of purpose into a program, but treats youngsters as if they were learners. And to me that is the most humane thing you can do.

Another piece of that in my judgment is that my attitude about myself I think is influenced by how well I read or do other fundamental skills, and in turn that goes back and forth and reinforces one and the other. So I am unable to fully separate the affective learnings and the cognitive.

Q Are the tests too easy in Detroit?

A Well, the students don't think so. We have offered from the beginning -- Dr. Jefferson has offered to reporters, whether it is broadcast or print media, the opportunity to take our examination any time we give it. They are welcome to come in and take it on one condition: That is, that they publish their results or broadcast them. And we have agreed to score them at once.

And we have had one taker so far. That was a reporter for the "Detroit News" and she may have been assigned that task. But in any event, she asked to participate in the test. She took it last January at one of our high schools on the day we gave it. She is a recent

Radcliff graduate, and she wrote in the newspaper that this was a difficult and challenging examination, and what she thought was that if students could pass that that we had good reason to believe that they were competent in these areas. That is just one person's view.

We have intentionally tried to make the test so that it is something more than a piece of cake, that it is serious. We're glad to furnish samples of them. There are samples in this program manual. They are challenging.

Q As a concluding question, where do you see the Detroit minimum competency testing program going?

A Well, I think that we will continue to examine whether the use of the endorsement route is the proper one. It seems the proper one at the moment. I think that we will probably find that each year, as the program goes on, more and more youngsters master these skills at earlier levels. I think we may find that certain skills are either less important or too easily mastered, and we may want to replace one or two skills in the 12 or add others. We may find that we can give it earlier in the school and students can master it sooner, so they can get on to other and perhaps more or at least as important things.

But I think one critical thing we will be doing is that we will be taking from it the concept of focused instruction and clarification of the instructional task and

be using that strategy in helping to clarify learning in other areas, whatever they may be. And we have already begun to look at some of that.

DR. POPHAM: Thank you so much.

HEARING OFFICER JORDAN: Cross.

CROSS EXAMINATION

BY MR. BREEDEN:

Q Dr. Rankin, as I indicated to Dr. Jefferson, I am trying to understand some of these statistics related to this proficiency program. You mentioned the experience with the reporter being the only taker. Do you suppose that other reporters feared to take the test because they might have failed or come up with a bad score?

A I wouldn't want to guess why they didn't. Two of them informed me that they really wanted to take it and we had made arrangements for them to take it. A news break the morning of the test was what they used as their reason for not taking it, and I think it was a legitimate reason in their case.

I think others would be glad to take it.

Q I wonder. I was examining some of the data on the test on reading in the tenth grade. And I observed, for instance, if you reduced the cutoff score at an average of one and a half points and used that to represent success, 500 students would have experienced success rather than

failure on that examination.

Do you think that there might be some connection perhaps between that experience and some of the behavior of students as they proceed through the grades, dropping out, for example?

A I think there are multiple reasons for youngsters to drop out of school. I think that probably the most important one is experiencing success in school. I think that the success experiences that occur every day in the classroom are probably the more powerful ones.

Q I wonder --

A Could I finish answering the questions?

Q Certainly.

A It appears to me, though, that in this case what we have seen are youngsters who are that close, who maybe pass two areas and fail by one or two points in another area, but felt encouraged to go ahead. That is the kind of response we get from them. So I don't think that's going to happen, although I would admit it's too early to tell.

Q Have you conducted any studies of these youngsters to get some sense of how their test experiences might have affected their decision to continue or leave school?

A The only studies we have conducted are informal.

Q There is one other line of questioning that I would pursue for just a minute. I note there are 12

competencies of some detail. In each of the general sections, reading, writing and mathematics, there are four distinct competencies identified. I also observed that in each of these areas the decision to grant endorsement or non-endorsement depends upon a summary score of the competencies together.

I have had secretaries from time to time in my office who exhibited varied skills. One couldn't type very well and had difficulty constructing sentences and spelling. I asked her to do first drafts, because another secretary could finalize copy better. But I found that she was very good at computing, and when I gave her a set of figures to put in columns and add up I didn't really have to check her work because I knew that it would be precisely done.

Another staff member was very, very good at writing, but I knew that if I got a column of figures from her I would have to check it, because there almost invariably would be an error. I found this out through experience, not through some summary score that they presented to me when they came forward.

Do you think that perhaps the raw data that is used in the instructional program to indicate precisely which competencies a student has or does not have might be more useful in assessing the student's capacity, say, to go into a particular program of training or a particular line

of employment?

A Well, I think that they are both useful. Certainly the information the teacher has on the student is raw data. These data are clearly helpful in determining instruction appropriate for the student.

Q I was thinking of the employer or perhaps an admissions officer.

A We have taken a middle route between having a summary score for the whole battery of all 10 or 12 competencies and having a separate score for each of the 12 competencies, and we have felt that to some extent math competencies have certain similarities that separate them from reading competencies, and those have ones that are separate from writing, and that there is a greater commonality among skills within an area.

So it seemed to us to be a reasonable way to go. The information we provide to students and parents actually specifies the area and our counselors are directed to have at least three counseling sessions with any student who failed any part of the test, as soon as the information is received, within the next month, with any student who failed any part of the test. And the teachers have that information.

Q But Dr. Jefferson, in referring to the endorsement, indicated that the person who mainly knows

whether the graduation diploma is endorsed or not is the student. Is that correct?

A At this point that's true. This has now been in effect for one month, and that may change.

MR. BREEDEN: Okay. Thank you.

HEARING OFFICER JORDAN: You are excused. Thank you very much.

Our next witness is Ms. Zodie Johnson, Region 5 Superintendent, Mumford High School, Detroit.

TESTIMONY OF ZODIE JOHNSON,

REGION 5 SUPERINTENDENT,

MUMFORD HIGH SCHOOL, DETROIT, MICHIGAN

DIRECT EXAMINATION

BY DR. POPHAM:

Q It's good to have you with us, Mrs. Johnson. Could you describe your role in the Detroit Public Schools?

A My role is region superintendent, and we have eight regions in the city of Detroit and I am Region 5 Superintendent under the General Superintendent, Dr. Jefferson. I have 26,000 students in my region, over a thousand teachers and a number of other employees, and we have the opportunity to work with the 26,000 students in setting up curriculum and checking and monitoring and presenting programs to them.

We also have the opportunity to bring in programs

that enhance the education of the children. We have a motto in Region 5: What we believe, we can achieve, with hard work. And we also have another motto: that humanism plus self-concept equals increased achievement. Because we firmly believe that all students can learn, and I have told my teachers that all, 95 percent of them, can learn, and those who can't learn are those who are severely handicapped, and even they do learn.

So we subscribe to the fact that if we teach somebody will learn.

Q That's a very large region, larger than many school districts. How has the Detroit High School proficiency program been implemented in your region?

A We have implemented the high school proficiency program. It is not just as an exam; it is a program from kindergarten through twelfth grade. And in our teachers' objectives they must put the high school proficiency objectives in there.

For instance, we will have capitalization in the kindergarten. And by the way, I want to mention that we have kindergarteners who are reading at third grade level. We have a pilot program of all-day kindergarteners. And we are trying to do something to prevent that kind of problem where we have to remediate later.

So we started with that. We had the TESAP

project, which is teacher expectations, student achievement program. And our teachers actually go in and monitor each other. They code in the kinds of things that are happening, the bias against various children.

By the way, our region is 99 percent black, so it's not biased by color necessarily, it is biased by the little boys and little girls. And we've even checked on the math scores to see what happens in kindergarten in math. So we are doing a number of things to promote the achievement of the children.

Q What is your impression of the effect that the minimum competency testing program in Detroit is having on students in your region?

A We feel that it had a lot of effect, a very good effect on the students. But it has also had a very good effect on the instructional staff, and we feel that this goes together along with the parents. We have had workshops with parents, students, teachers, and staff, and we are conducting a number of workshops even this summer with them.

We are learning as we go along. We have actually taken the data that we get and we are checking to see what we need to do. We are diagnosing the weaknesses not only in the students. We are not saying it's just students. We are diagnosing the weakness in teaching. We are actually coming

along with some other activities that will help us to deliver services better.

And the competencies that are involved, we call them skills and objectives, can be taught at all grades, for instance writing. We have a young writers group, and we published a book where kindergarteners through twelfth graders have written a book, and they have written poetry and prose.

We have done a number of things that have enhanced our children's academic skills. We were also the national academic game's winner, and I would like to say that -- from Longfellow School for the whole country. And I would like to say that this is a school in the Title I area.

We have had great growth in the Title I area, and we are trying to prove, and we are working on this, that it doesn't matter where you live. The socioeconomic area doesn't matter, if you are taught, because the kids in Title I schools are learning at a greater rate sometimes than some of the other students.

Q Ms. Johnson, let me pursue that point. It is claimed by critics that minority students will be disproportionately harmed by minimum competency testing programs because they may fail the test more frequently. You come from a region which is 99 percent black students. What is your feeling about the influence of minimum

competency testing programs on black youngsters?

A If we teach, they will learn. And I think that the whole thing that we have to do is change the attitudes of people working with students. If we have people come up and say, kids can't learn because they're black, they can't learn because they are poor, they can't learn because -- then not much teaching is going to be done, because it's a self-fulfilling prophecy. If you say they can't learn, then why are you going to teach?

And I refer to one of the prominent studies that said that kids didn't learn if they didn't have two parents at home. They found out there were a lot of kids who didn't have two parents at home who were learning.

Then we had another study that said that you can't learn because you are black, as if it's based on your color. And we found that we did have whole schools that were learning at very high rates and they were all black. So that eliminated that theory.

So we tell our people -- and we work together on attitudes; I think attitudes are most important -- that all students can learn if they are taught. And if you have really worked with the kids, they will learn.

Q So you would say that this program is not in any sense designed to harm the black youngsters in your district?

A No, not in Detroit at all.

Q What about the effect on student attitudes in Region 5? How are these students responding attitudinally to the program?

A I think they have responded beautifully in my two high schools. I have 2500 in Central High School and 2500 students in Mumford High School. And the first program that we had in the summer, we had over 400 kids come into the school for the proficiency program. We had made up booklets and other projects, and they came and we had teachers and tutors from the students and we had teachers from the regular school system.

I would like to say that even during the strike -- we had a bus strike, the kids came to school. They walked many, many miles just to get there. The attendance was almost perfect.

So it has had an awful lot of effect and they realize it is important. But we believe that when we work with students we given them all kinds of motivational devices. All the students who pass the exams at each of our schools were given pins and certificates. All the students who didn't pass the exam are working very hard to pass it.

So we have had a great deal of progress with our children.

Q That may be one of the more startling statistics I

have heard. Are you suggesting that during the bus strike students walked to school?

A We had students who had to walk to school, who walked to school for many miles just to get to school then. We didn't have an absentee rate at all during that time. We had high attendance. In fact, we had the highest attendance in the city. So we were very proud of that.

Q How have the teachers responded to the program in Region 5?

A They have responded excellently. Now, when we first started out we had to persuade them. We had to change a lot of attitudes about working with our kids, not just with proficiency programs, but with all kinds of programs. I think attitudes have to be changed and they have to be brought into the line that we are working with kids, and if we aren't doing anything then we have no reason to be there.

I guess I make the famous statement that you can teach in an empty room, and if no one is learning anything you may as well be in an empty room. We work together, and my staff has gone out and given support to all the teachers. We have checked the lesson plans, we have checked all the programs that they have. We have done a number of things in a support way to help the students.

In fact, right now we have about 200 teachers who

are in workshops, clinical workshops where they are working with master teachers and with the students.

Q Are your teachers becoming confident they can teach these 12 skills?

A Yes, they are becoming very confident. In fact, I think we have had visitors from all over the state. We have had to give workshops for 33 school districts at Lansing because we had the highest growth in achievement. So we are feeling very successful because we are having success.

Q Critics of minimum competency testing programs sometimes claim that it will cause the curriculum to focus exclusively on minimums. Is that the case in Region 5?

A No. We are working very hard to develop the highest achievement for every student that that student is able to have. And I feel very strongly about that, being a black woman, because black women have triple burdens, being poor, black and female. And I feel that all of our children need all that they can get in order to succeed in life.

So we are working very hard. And again, I say that the most important ingredient is the attitude of the people who work with our children.

Q You seem at least mildly enthusiastic. As a concluding question, what do you perceive to be the general impact of this program on students, teachers, and so on in Region 5?

A I think it has focused in on specific objectives that we have to have, minimum objectives at any rate. And some of the objectives are not minimal. Our objectives in writing can be used at kindergarten level or twelfth grade level or college level. So we have zeroed in on many of the competencies that the students should have and we have made motivational projects where they will have these kinds of things.

We have the big meeting every year to award the young writers and the newspaper people and all the people come out. So everybody wants to really write in this area, and we publish a book. Our book is quite beautiful and is surprising to see. We have kids from special education, from first grade through twelfth grade, writing stories and poetry. We have a full house whenever we have this.

We also do many other things. I think that the things that we do in fine arts -- we have a fine arts festival where we have thousands of people coming in, thousands of kids performing. The kids learn to read every song they learn to sing. They learn to read another language playing in the band.

All of these things help a great deal. We have our science fair projects. We have our student organization. We have student council where all of the students come in, and they also give us their goals and

objectives and they give us their input as to what should be done in the school.

We develop leadership skills among students. We have our yearly awards program and we had so many awards this year that I was asked by the board to make it short next year. We had about 300. And I did explain to them if our students hadn't won so many awards in the national academic games it would have been short.

We have many programs. We have the cross-age tutoring that I think helps a lot, because each child who tutors someone else learns something about the skills they are working with.

DR. POPHAM: Thank you so much, Ms. Johnson.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. BREEDEN:

Q Ms. Johnson, I am certainly impressed by your enthusiasm and the broad scope of interventional options available to students in your area. I guess my questions are directed at trying to understand more precisely the role of the test score and particularly in its most summary form, endorsement or not endorsement of the certificate. The philosophy you proposed, if we teach they will learn, is one that I subscribe to very powerfully. And yet, when a student ends the period in high school with an unendorsed

diploma, it says he or she has failed to learn.

Could it possibly be that someone has failed to teach?

A There is failure on the part of many people when a student has been in school 12 years and hasn't learned enough to pass the exam. That's why we have the program that we have, our high school proficiency program, where we have certain checkpoints. We are checking to see what the child has learned.

We in Region 5 have graphs to show the overall learning of all of the students, and in each of my schools as you go in the door you see a chart, a graph of how they have grown for the last three or four years.

So we are working on that. We sit down and do an item analysis of what has happened to the child. For instance, just to mention one, fractions. At one time when I was working in a school system I found that we had not taught fractions, they had not learned fractions from maybe kindergarten through the eighth grade. So we started working on that.

I have 45 teachers now working on a curriculum, and they are going through the item analysis to be sure we are zeroing in on what the children need.

Q I wonder if you would share my belief that when a student leaves the high school environment the problem of

learning shifts in a dramatic way, where the resources that are made available in high school are not so readily available without some output of energy. I wonder if the alternative to endorsement -- what you would think of this, if instead a student got a list of things that they had to work on in order to learn them now that they have left the school, if that might be a better communication to the student rather than a communication that you have failed to be endorsed?

A I think the student does get such a list of things that they need to work on. In fact, they may pass two areas or they may pass one area. I think the first time it was given at one of our schools 30 percent of the schools passed all these areas, and at the end over 70 percent had passed.

We worked directly with the students on the areas that they needed to work on. They did not have to take any of the areas over where they had passed.

MR. BREEDEN: Thank you very much.

HEARING OFFICER JORDAN: Thank you very much, Ms. Johnson.

The next witness is Ms. Susan Dyer, Proficiency Test Coordinator, Mumford High School, Detroit, Michigan.

TESTIMONY OF SUSAN DYER,

PROFICIENCY TEST COORDINATOR,

MUUMFORD HIGH SCHOOL, DETROIT, MICHIGAN

DIRECT EXAMINATION

BY DR. POPHAM:

Q You have been introduced as the proficiency test coordinator for Mumford High School. Is that in Region 5 in Detroit?

A Yes, it is.

Q What is the nature of the responsibilities of a proficiency test coordinator at a high school?

A Basically I have three different areas:

First, letting the students, the parents and the teachers know about the proficiency program. For example, at the outset letters are sent home to the parents letting them know about the program, letters are sent to the individual students telling them about the program.

Also, there is in-service with the teachers. I am responsible for having in-service workshops with the teachers, letting them know about the materials available with regard to -- we have varius packets of materials that the teachers can work with the students in the classroom. So we have an in-service workshop to let them know about the materials.

Also, after the test was given we were able to give them the statistics in regards to the areas where the students were having difficulty. Also, I encourage the teachers to come into the office and see the actual raw

scores in regard to how the students did on the individual tests.

Also, my job deals with the testing itself. I am responsible for setting up the testing schedule, letting the students know where they will be tested, letting the teachers know their specific duties, and generally running the test per se on the day of the testing.

Then the last area deals with disseminating the results of the tests, not only to the students but to the teachers and parents. And this is done, for example, by having testing seminars where the students are brought in and I go over their actual test scores with them, explaining to them how we arrived at the results of the test, and also explaining what can be done if you have failed the test.

Then the last part is doing what we refer to as the summer recou[illegible]gram, where we have in-depth tutoring for those students [illegible] have failed the test.

Q So a proficiency test coordinator is very actively involved with the Detroit High School proficiency program?

A Very, very. I am the testing lady, so they know to come to me.

Q As testing lady, what is your general impression of the high school proficiency program's impact at Mumford High?

A I think it has been a very positive impact, from

teachers, from students, and from parents alike. For example, when the results of the test came out parents began to call wanting to know. Johnny failed the math part; what can I do to assist him. And I explained that we were having a summer recourse program. How can I get him in? I sent letters home explaining the program and asked that tear-out sheets be returned for me to get an idea of the number of students that we would be servicing.

I received 250 results in a week's time and telephone calls saying, I want my child in the program. So the parents were interested. The students were coming -- even after the seminars, the students were coming to my office saying, I want to see how I did. Even the students that passed the test wanted to see just exactly how they did. And if they were weak in various areas, they would say: Well, I was kind of weak in formulas. I better spend more time on that. So the ones that passed were just as interested as the ones that had failed, and they wanted to see just exactly how well they did.

Q So you see the effect on students as being clearly positive?

A Yes.

Q Is there any other evidence that students are responding positively to the program?

A Yes. I could cite our summer program of last

year. As I said, I got 250 tear-off sheets within a week's time, and when the program started I had 333 students enrolled in the program and that was the largest program for a single school. We had schools paired in some cases. Our enrollment remained high. The students were coming. We had 25 students in the class and they were there.

As I would walk through the halls to check to see if my teachers needed anything, there was nobody in the hall, and that is usually not the case. In a high school you have those individuals that I refer to as those majoring in "hallology." They are out there every hour. They weren't there. And many of these students were in our program. They were not in the halls.

And to reiterate what Ms. Johnson said about the bus strike, they were there. They walked. One of our tutors had to walk about five miles and he was there. He did not miss a day. So they were very positive.

Q What has been the effect on the curriculum at Mumford High?

A I feel it has been a positive effect on the curriculum because -- and I discussed this point with my principal. He felt that in many instances it helped those teachers who were having difficulty or who were marginal teachers with regard to dealing with these skills.

The program is laid out beautifully. They tell

you just exactly the areas that you are going to be dealing with. You know you are dealing with main ideas. We have an instructional packet with individual activities to deal with the main skill and the subskill that goes along with it. The teacher does not have to spend precious time going and running off material. The materials are there.

They teach, and the students notice that because they say, she's teaching us. We don't have to deal with attendance problems. We don't have to wait and take attendance and so on. Teaching goes on in the classroom. That's why we had 25 students in the class there every day.

One of the television stations came out to our summer program and they were flabbergasted that the classes were filled, and they were really surprised that the teachers were teaching and excited about teaching. They just couldn't believe it because usually, unfortunately, big city schools get bad press. They will come out if there's a fight, but when it comes to something positive you have to go through all kinds of changes to get them to come out to the schools.

So they were very surprised, and especially in one instance they were talking to the reading teacher and the students were standing outside, they were upset, I've got to get in there, I have to get started. And they couldn't believe it. But it made a difference when the results from

the reading program came out. We had 42 students in the reading class. 37 passed the reading portion of the proficiency exam, so we knew that teacher was teaching and the students were in there learning.

Q What has been the impact of the program on the public?

A It has been positive also, and I can cite an example. We had an honors assembly, as Ms. Johnson mentioned, for those students who had passed the test for the first time. We issued merit pins and certificates. On the day of the program when I got there at quarter to 8:00 there were parents at the auditorium door and the program didn't start until 9:00 o'clock. The parents were there.

When we had the program about midway and asked the parents to stand up to honor them, I was surprised. The auditorium was filled. There were more parents at that assembly than there had ever been, even for musical programs, where parents usually come out to see their children perform. Those parents were there. They were proud. They were up taking pictures of the children as they went across the stage to get their pin.

So it has been positive. Parents will come up to the school to see just exactly how the students are doing in the program. I have had parents come up between the end of school and when the summer program starts -- say we give the

test in January and when the results come back in say approximately April, a parent will come up and say: Ms. Dyer, so and so failed in reading; can I have some material that I can work with him at home until the summer program starts?

So they are interested. They are very concerned.

Q As a concluding question, do you feel the impact of the Detroit High School proficiency program on minority students will be positive or negative?

A Positive.

Q Why so?

A It is negative when you send students out into the world without the necessary skills to survive. That is the crime.

DR. PORHAM: Thank you.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. BREEDEN:

Q I have one question. How much of the progress in the Detroit School System do you feel would be lost if one thing were eliminated -- eliminating the endorsement of the graduation diploma? If that were removed from the program, how much of the program would fall to the ground?

A I don't think it would fall to the ground. That, to me, that is just a word on a piece of paper. It has to

come from inside. There are students that have graduated, the January graduating class there was no, you know, endorsement per se. That came out in the June graduating class.

This young lady came to my office just the other day. She really didn't have to because it didn't count on hers, but she said I want that endorsement. I want to take that test. And she is in our program.

Q So perhaps a voluntary test would suffice as well as a systemwide test that had endorsement as its consequence?

A Well, voluntary, unfortunately when you put the term "voluntary" on it it looses something.

MR. BREEDEN: I understand that. Thank you.

HEARING OFFICER JORDAN: Thank you, Ms. Dyer. Thank you very much for testifying for us.

Our next witness is Ms. Linda Spight, Proficiency Test Coordinator, Henry Ford High School, Detroit, Michigan.

TESTIMONY OF LINDA SPIGHT

PROFICIENCY TEST COORDINATOR

HENRY FORD HIGH SCHOOL

DETROIT, MICHIGAN

DIRECT EXAMINATION

BY DR. POPHAM:

Q You are a proficiency test coordinator as well, Miss Spight. Where is that?

A Henry Ford High School in Detroit, Michigan.

Q What kind of a high school is Henry Ford like?

A Henry Ford High School is a high school located in the northwest area of Detroit, which is basically a middle class area, although we have students from all socio-economic backgrounds.

The enrollment is approximately 3,000 and 96 percent of those students are black.

Q In that particular high school how has the high school proficiency program been implemented in any particular ways?

A Well, first of all, they identified a proficiency coordinator to coordinate the program, to in-service the teachers to make sure the teachers knew exactly the goals and objectives of the program, the objectives that had to be mastered by the students, to make sure that the teachers were very much informed about the program.

Also, a remedial education program was instituted for students during the regular school year and also during the summer.

I would like to mention that in the remedial program that even students who have passed the examination have enrolled in the remedial program if they feel that they had a weakness that needed to be shored up.

Q Students who have passed the examination and yet

are still taking the remedial program because they believe they have to improve their skills?

A They have some deficiencies.

Q What do you think the effects of the program, at least in your high school, have been on students skills?

A I think the basic skills have improved and with the improvement of basic skills the students are ready to acquire higher level skills.

Q You have indicated that the population is predominantly black in your school. Do you feel that black youngsters in the school are being helped or harmed by this program?

A I think they are being helped by the program.

Q Why do you feel that way?

A I think, as Susan Dyer said previously, that the harm would be if the students went out into the "real world" and were not able to function. If you give a student a diploma the student assumes that he will be able to utilize that diploma to get a job, to go on to higher education, to function successfully in society, and I think that we are doing the student a disservice if we allow him to harbor this misconception.

Q How about student attitudes at Henry Ford High School? What are student attitudes like with respect to this program?

A The students feel very positive about the program We have a summer program at Henry Ford also. We have a summer program at all the Detroit high schools for proficiency. These are students who have taken the test once. They failed to master all the competencies and are planning to retake the test.

In the writing classes the writing teachers asked the students to write a paragraph. The topic was, "do you feel that students should have to pass a proficiency examination in order to receive an endorsed diploma," and over ninety percent of the students indicated that they felt the test was necessary. And these are students who had failed the test previously. So I think the attitude is good.

Also, we use peer tutors, and I think traditionally students have felt leery about other students knowing about their deficiencies. Students who are in reading labs would sneak into the room or hide their ID card so no one would know that they were enrolled. But now we have other students tutoring students and there is no stigma attached.

The students want to learn and they don't care who teaches them or who enables them to learn. They just want to learn.

Q You indicated earlier that there was a clear expectation now associated with these twelve skills. How

has this affected teachers in your high school?

A The teachers feel more confident in teaching what they have to teach. My field was English and I know for a fact that in college you were not taught how to teach grammar. They assumed if you graduated from high school and you were accepted into college and you chose to teach English that you knew how to teach grammar. And this is not necessarily the case.

So some teachers who perhaps were experts in content -- on Shakespeare, on Chaucer, on the Middle Ages -- were not able to teach grammar. And I think this program that those teachers feel more confident in teaching those skills that are going to be necessary. No, they have not stopped teaching Shakespeare and Chaucer, but they do realize that they have to concentrate on the basic skills that students will have to use when they leave our institution.

Q Is that concentration leading to a lack of concern for higher level skills?

A No. We have a document that was developed last summer for, we call them, RC classes -- reading competency classes -- which are mostly filled with students who have not passed the reading or writing sections of proficiency examinations.

We gave teachers suggestions and in the documents

for tenth, eleventh and twelfth graders we suggested that they use, for example, Of Mice and Men by John Steinbeck to teach main ideas. Also, to use the dialect in Of Mice and Men. Is this dialect effective? Yes, it is effective in this book. But if these characters were out in the real world, would the dialect be effective?

I think that's an effective technique for black students to let them know that yes, your dialect is a language and it can be used in certain situations when it's going to be beneficial. But in some other situations it cannot be used and you have to use the language of the larger society.

So we have given the teachers literary material that they can use as a main idea, for grammar, so that the teachers do not feel that they are stifled, that they are only teaching the basics.

Also, as Dr. Jefferson said earlier, our skills are so broad that most of the skills were already germane to most other disciplines in the school. How can you teach without showing a student how to capitalize or punctuate or find a main idea? And the main idea leads to the author's purpose or theme.

So the teachers are definitely not stifled by the program.

Q How about the public's view of schooling? Do you

see the high school proficiency program as having positive or negative effects on the public's perception?

A The effect is positive, because I think the public believes that the schools are serious. They know for a fact that the students are serious. When we gave the test the first time the students arrived promptly. During the breaks usually we have five minutes between classes and sometimes after the five minutes are up we have to go out in the hall and get the students back into the classes.

While the tests were being administered students didn't even want to take a break. They wanted to get back into the testing situation.

Parents have been coming up to the schools, have been calling. We have, at Henry Ford High School, 70 graduates who are coming back this summer to retake the examination so that they can get an endorsed diploma. Some of those graduates, because the program was just instituted in June in terms of the diploma, had already been accepted into colleges. They really don't have to come back to get the endorsement. And one student in particular told me she knows that she doesn't need it, but she needs it for herself.

She wants to know that she can master the competencies. So it has a positive effect.

Q As a concluding question, how would you then appraise the overall impact of the Detroit high school

proficiency program on students and teachers and the public in your school?

A The proficiency program will be a positive force, I think, for education in Detroit. Even though the program has only been in place for two years it was rather difficult to make predictions, to generalize. But from the feedback from parents, from students, from the community at large, from the increaed learning of the basic skills, as evidenced not only on the test but on course work, on teacher-made tests and evaluations, I think the program is positive and it will be expanded.

DR. POPHAM: Thank you so much.

HEARING OFFICER JORDAN: Cross exam?

CROSS EXAMINATION

BY MR. BREEDEN:

Q I have a few questions to ask. As a proficiency test coordinator, is part of your responsibility helping students and teachers take tests and understand factors that could lower their scores and that had nothing to do with their proficiency?

A Test-taking skills.

Q Do you have some estimate of the amount of time, compared with teaching skills that are survival skills in the sense that they have some consequence other than a test score, the relative amount of time that might be devoted to

this?

A I don't have any exact idea of the time, but I would like to say I don't think you can divorce -- the way that you phrased the question seems to imply that testtaking skills are not survival skills.

Q No, I certainly don't want to convey that impression. Where someone's success hangs on a point or two they are very powerful survival skills.

I don't have any further questions. Thank you.

A Thank you.

HEARING OFFICER JORDAN: Thank you very much.

Mrs. Clara Rutherford is our next witness, Central School Board Member for Detroit Public Schools, Detroit, Michigan.

TESTIMONY BY CLARA RUTHERFORD
MEMBER, CENTRAL SCHOOL BOARD
DETROIT PUBLIC SCHOOLS
DETROIT, MICHIGAN
DIRECT EXAMINATION

BY DR. POPHAM:

Q Mrs. Rutherford, could you describe your position in relation to the Detroit Public Schools?

A I am a member of the Central Board of Education. I was first elected in November of 1972. At that time it was a signal honor. I was the first black person, the first

black female elected citywide to the school board, and, of course, I would not have considered that, nor would I have mentioned it had not another black female followed me, because it meant I was evidently doing something right.

Q The Central Board, I surmise, has responsibility for the entire Detroit Public Schools?

A That's where the buck stops.

Q Haven't you also been active nationally with respect to the school board concerns?

A Yes. I am, whatever it means, a consultant to the National School Board Association. I am president of the National Caucus of Black School Board Members, recently reelected, and I serve on the Council of Urban Boards of Education, their steering committee, and I have been involved in the Teacher Corps Recruitment Centers, when they were in existence.

Q So it would be fair to say that you bring not only a local but a national perspective to your view, as a school board member, about the Detroit minimum competency testing program?

A Why not brag and say international.

Q Intergalactic.

A Thank you. That's even better.

Q As a representative of the public, how do you think students are being affected by Detroit's high school

proficiency program?

A I think that it's one of the most positive things that has come out of the Detroit public school system in recent years.

We had a very lengthy, very disturbing desegregation case in Detroit, and I think our superintendent was really trying to prove to the public that we were about educating all of the young people in Detroit. I think we were trying to prove to their parents that we were about educating all the young people in Detroit and that the ills that were disclosed and uncovered in that disastrous desegregation case were not only not going to be allowed to continue but that our commitment was totally different from those boards of education and probably those superintendents that had preceded us.

Q We have heard from earlier witnesses that Detroit is a school system with an 86 percent black enrollment, predominant black leadership, and dominant black school board membership. It is sometimes asserted that minority students will be harmed by minimum competency testing programs of the sort that you have in Detroit. Could you please comment on that assertion?

A Well, I don't think they say that about the programs of the sort that we have in Detroit, because Detroit is unique in the in-depth cooperation that we have

from the community.

You see, one of the things we firmly believe in Detroit is that the taxpayers own the school system -- the school board members do not own it and neither do the administrators. The school system is really owned by the taxpayers and we would not dare introduce a program into our system without full input from our community. And because the community does feel ownership in our program, and our community is minority, they have accepted this. Their input was greatly appreciated in the establishment of the goals of the proficiency program because, you see, nobody in Detroit ever calls it the proficiency test in Detroit. It is the proficiency program.

When I go out into the larger community nationally I find that it is called the test, but in Detroit we refer to it as a program, because it embraces everything from K through 12 that we do in the school system.

And to get back to the minority issue, as a minority person in some circumstances, but, thankfully, not in Detroit, I find that an African proverb is a thing I use all the time. And that is, every mother wants for her baby the sweetest berry on the bush. And since our citizens have participated in the enactment and the development of our proficiency program, they feel that kind of ownership that says to them yes, you are trying to make my child do the

thing that he or she needs to do in the large society to achieve.

Q Wasn't it so that there was a fairly significant outreach program to secure community involvement in the original determination of the twelve competencies for the program?

A Yes, indeed. And when I say total community involvement I mean everywhere. Because, you see, in Detroit we are not convinced that having a lot of alphabets after your name means you are really in touch with the community. So we tried to get a wide spectrum.

We had account firm representatives. We had the big three automobile industry represented. We had the PTAs, the PTOs, the local schools advisory council. We had the church groups, the Masonic lodges, the fraternities, the sororities. Wherever we could get live bodies to participate in the program, we did.

And the rate of attendance was astounding. Nobody wanted to miss this because everybody has an idea that they can run a school system. And this was their opportunity to prove it.

Q Wasn't there even a poll in the Detroit Free Press?

A The Detroit Free Press constantly takes polls, because we are convinced also in Detroit that there are those people in the community who do not want programs to

succeed, because when the program succeeds they lose a headline. So they poll us to death on whatever we do, and their poll indicated that there was acceptance by the community in our program.

We tied that also to the financial state of our school district. We are still the only major school district in this country that has been able to successfully renew millages but also get new money to run a school district. When everyone in the state of Michigan, practically, was voting against five so-called property reduction proposals on the ballot, Detroit citizens increased our millage rate by 3.5 mils. And that, to me, speaks of the confidence the community has in the school system.

Q You are a member of the Central School Board in Detroit. School boards are seen as the representatives of the public -- the taxpayers. How do you perceive the public's perception of schooling in Detroit insofar as the high school proficiency program is concerned?

A I find that because we involve the total business community and the other community-type organizations, that the public really views this as another effort, yet another effort, to increase the productivity and excellence of the students.

For example, we involve the business community

because there is no way that a school system is going to be able to fill, for example, our typing classes with 300 IBM Selectric III typewriters. There is just simply not that kind of money available. But by involving the business community they can fill a classroom or two or three or four with those kinds of new equipment that would enable our students to be able to leave a high school situation and move into their areas without them having to undergo expensive training, on-the-job training and other programs.

By involving the business community we find that business people are more than willing to offer their expertise by giving someone a year's leave to work in a certain area or to help us tighten up a program. We find that the medical profession, for example, we have a vocation center located right in our medical center in Detroit, and we find that the doctors, nurses, dentists, ward clerks, receptionists, all the people with input into the medical profession, are more than willing to come over and talk to our students to give them hands-on opportunities to participate.

So we find that we still have our pastores (ph). We still have those in Detroit, not as great as we'd like to, but they are more willing to hire our students because they know them and they know what we are trying to do with them.

We find that our ministers are more than willing to have some of our students come in and do those things that people don't normally associate with church -- polling the community around the church to find what programs the church wants to do.

So our school wants to be treated as, we want them to be treated as productive citizens, you know, in society. So we have found that the transition from middle school to the total community has been eased somewhat by the cooperation of the people who live in Detroit.

Q The high school proficiency program in Detroit is, of course, relatively recent. As a concluding question I would like you to react from your perspective as essentially a member of the governing board of that school system and from your national familiarity with comparable or different kinds of programs. What do you foresee as the future of the minimum competency testing program in Detroit?

A Well, since it is a proficiency program there are sharp edges that need to be honed. I am not impressed, necessarily, with the endorsement for one reason. Once you get past that first job, nobody ever asks if you were a Phi Beta Kappa from your college or if you were a member of the National Honor Society in your high school.

However, the self-satisfaction the student gets, that heightened interest, that heightened awareness of I'm

so tough because I passed this test, means so much more than you can put in words, you know, to the general public. It is just that if you feel good about yourself then you are more likely to feel good about others. I believe in that completely and utterly.

I find that, well, we are, you know, easing down the hard edges. And while we are doing those things as educators that you must do as we are preparing all of these massive test documents and data for distribution wherever we need to distribute it, we have found that the total emphasis on education in Detroit is so much greater than it was before. And I see us as not only having this program in Detroit but statewide as well, which will certainly be a radical change in the way things happen in states.

But we have been observed very, very closely by our state board of education and by our state department of education and now we find that we are right across from Windsor, Ontario, from Canada, so we find Canadians coming over to find out what we are doing. We have had visitors from Mexico because we have a very large Latino popluation in Detroit. We have had visitors from England.

So we feel that we are the ones in the catbird seat at this time because we have demonstrated that by having total communication with your public and with your educators, as well as the system itself, that we have been

able to pull off something that two years ago people told us we would never do.

DR. POPHAM: I thank you.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. BREEDEN:

Q Your testimony presents a remarkable picture of an organization within energy and leadership that could well be emulated by many communities across the country.

Again, I am trying to wrestle with a very minor point, I think, in the whole picture, and that is the diploma endorsement. You indicated how a student might feel having passed the test, as having really done something significant. Yet, if I read the statistics correctly, about thirty percent of the senior class had the experience of failing the test. Would you reflect for a moment on what that experience might mean to a student?

A It means the same as the student who has applied him or herself from kindergarten to very strenuous activity in school, by making the honor roll, by winning the attendance award because they are there every day, and being asked to sing at a certain program or recite a program in another situation and who finds that they miss being cum laude by a tenth of a point.

MR. BREEDEN: Thank you.

HEARING OFFICER JORDAN: You are excused and thank you very much. We are going to take a lunch break, but before we do that, evaluation forms were handed to you this morning. If you are not going to return to the hearing this afternoon we would greatly appreciate it if you would fill out the evaluation form and turn it in to us.

We are going to recess for lunch and reconvene this hearing at about 1:25.

(Whereupon, at 12:10 o'clock p.m., the hearing recessed, to reconvene at 1:25 o'clock p.m., Friday, July 10,1981.)

AFTERNOON SESSION

1:35 p.m.

HEARING OFFICER JORDAN: The hearing will come to order.

As you know, this afternoon we will hear the presentation from the Con Team. Dr. Madaus, tell us what we are going to learn about today.

OPENING REMARKS BY DR. GEORGE MADAUS, CON TEAM LEADER

DR. MADAUS: Again, for those of you who have just joined us today, I would like to really reiterate that the Con or Negative Team is kind of a misleading connotation, in that we are not against testing and we are not against standards. We are against social promotion. We are opposing minimum competency testing when it is used to deny diplomas, to keep students back in a grade, or to classify students.

We don't think that those tests are adequate to be used by themselves to make those kinds of important decisions. We think that those decisions are best made using multiple indices.

Now with that background in mind, today, this afternoon, you will hear first from the Director of the Virginia -- the Testing Director in the State of Virginia and he will talk about the impact minimal competency has on students and on the curriculum and on wider issues as well.

We have two witnesses. Frederico Perna and Lorenza Schmidt will talk about the impact of the kinds of minimal competency tests and programs we are disputing as they affect Chicano-Hispanic students. Mr. Schmidt will talk particularly about California.

Now yesterday Dr. Popham graciously agreed that his team would no longer contest the use of a minimum comptency test to deny a diploma to a handicapped or learning disabled student, and we really welcome that admission.

However, for the record and because this tape is going to be used for other purposes, we are going to present two more witnesses today that will deal with the effect of minimum competency testing on handicapped and learned disabled students.

We will then hear from a group superintendent and two teachers from New Jersey, one of the largest urban states in the United States, and they will tell you about the impact of that state's minimum competency program on teaching young children, on the curriculum and learning. And we hope you will pay particular attention today.

Our final witness will talk about North Carolina. We will also bring out today some of the political dimensions of minimum competency testing that we have alluded to and talked about particularly on the first day.

Thank you.

HEARING OFFICER JORDAN: Thank you. The first witness for this afternoon is Dr. Gerald Bracey, Director of Research, Evaluation and Testing, Virginia State Department of Education.

TESTIMONY OF DR. GERALD BRACEY,
DIRECTOR OF RESEARCH, EVALUATION AND TESTING
VIRGINIA STATE DEPARTMENT OF EDUCATION

DIRECT EXAMINATION

BY DR. MADAUS:

Q Could you give us a little of your background in education, please?

A I received a Ph.D. in Psychology from Stanford University. I worked for three years for Educational Testing Service in Princeton. I taught pre-service education and psychology at Indiana University for three years, and for the past four years I have been the Director of Research, Evaluation and Testing for the Virginia Department of Education.

Q And what do you do in that job in Virginia?

A Appropos of testing I have overall responsibility for all of the myriad of testing programs that Virginia has which go far beyond minimum competency testing.

Q Could you describe the minimum competency testing program in Virginia?

A 1978, after the legislature mandated minimum competency tests to be prescribed by the Board of Education. As it stands now, to obtain a diploma from an accredited high school in Virginia you must attain the required units of credit and pass a 60-item test in reading and a hundred-item test in mathematics.

Both of those test the format is four choice multiple choice items, with the exception of twenty items on the reading test, which are true-false.

Q Now we have heard a lot of evidence from the other side that minimum competency testing will document weaknesses on the part of students. Do we need those kinds of tests that are tied to diplomas to do that?

A Absolutely not. We already have many instruments that are much better than minimum competency testing for doing that. We have the ACT battery, the SAT. We have National Assessment, and we have a myriad of standardized achievement tests, norm reference tests, objective reference tests, criterion reference tests, domain reference tests. We do not need an additional testing program, particularly one that has the sanction of a diploma attached to it.

Q Do you have any evidence of redundancy in Virginia?

A Yes. When we first administered the minimum competency test we found that the test was highly correlated with the SRA achievement battery which we use, in spite of

the fact that there was a large ceiling effect on the minimum competency test.

Q What is a ceiling effect?

A That means that most of the students were getting almost all of the items correct. And what this does statistically is to reduce the possibility of any correlation. Yet there was a very strong correlation.

Q We have also heard a lot of argument and a lot of testimony from the other side that minimum competency testing will restore meaning to the high school diploma. Do you think that those tests will accomplish that?

A No, for at least three reasons.

One, the assumption that a diploma ever had a specific meaning has been proven to be false. Many states, if not most, issue a variety of diplomas that are not clear in terms of what they mean in terms of achievement.

More importantly, when people talk about restoring meaning to a diploma or getting certain minimum, as Mr. Raspberry was talked about this morning, it is usually in the context of restoring the pursuit of cognitive excellence to the schools. You don't instill or restore excellence by tests that have the label functional literacy or minimum competence.

Thirdly, and most importantly, in the construction of these tests any issue of pedagogy very quickly takes a

back seat to issues of politics and economics. The test must be constructed so that initially enough children fail to satisfy the people who called for the test in the first place and at the same time enough children pass so that it doesn't wreak economic havoc on the schools.

Now when either of these criteria are not met there is hell to pay. There is a lot of fast shuffling, and, as we have seen in the last three days, no small number of miracles. In Washington, D. C., when about fifty percent of the early elementary school children were about to be retained as a result of test performance, Mr. Gines, the Acting Superintendent, derided the test, derided his predecessor who had championed it, which prompted the Washington Post to headline an editorial, "Mr. Gines gets Cold Feet."

In Virginia, each time we have administered our minimum competency test the passing rate has increased. On the most recent administrations, 96 percent of first-time takers passed the reading test. Ninety-eight percent passed the mathematics test. There was immediate talk that we have to raise the passing score.

Now there is no valid pedagogical reason for raising the passing score. By raising the passing score you would once again get to that optimal number of children who are failing, but that satisfies the critics and at the same

time does not overwhelm the schools.

And we have heard in the testimony of the last few days, in California, North Carolina and elsewhere, that certain predicted failures never materialized. A lot of kids fail the test initially, but by the time the sanction comes to be applied miraculously all of these children have passed the test.

Q Were you here this morning?

A Yes, I was.

Q Did you see the graphs from North Carolina indicating that the index of success is the high pass rate? How would you react to that?

A Well, I think without question passing a test is not the same thing as learning the skill.

Q In your opinion, do minimum competency tests measure basic or survival skills -- adult skills that people need to function in the adult world?

A They are often purported to do either or both. It is likely, in my opinion, that they do neither. There has been much too quick discussion of let's get back to basics and not enough informed and protracted discussion of what constitutes the basics. One need not be a starry-eyed futurist like, well, I don't know if Alvin Toffler is starry-eyed, but like Toffler to realize that we are saying goodbye to Guttenberg in the society and that the society

that is evolving will have a very different set of basic skills from the one that we are leaving as we move from an industrial society into an information society.

The recent NBC special entitled "America Works When America Works" showed one segment of children working with computers. The reporter said in a very matter of fact manner that these computers would soon be everywhere, and he did emphasize the word "everywhere". In a society where computers are going to be everywhere the basic skills are going to be involved, at least in part, in how to operate and manipulate things related to computers. In no test that I have seen is there anything related to the emerging information technology.

Q What about, though, the statement about survival skills? What about that part of it?

A There is absolutely no evidence that I have seen that passing these tests increases a child's chances of surviving. And as we have seen over these days, failing the test doesn't decrease the chances of surviving.

In the first place, the items are short, truncated, abbreviated, simplified versions of what a child is going to encounter in the real world. The main idea items, such as were referred to this morning, are never more than 200 words long, yet I heard somebody saying you can go from main idea to author's purpose.

The contractual items are 200 words long and they can't be longer. The item specifications say they cannot be any longer than 200 words. The contract for the car that I bought not too long ago is two pages long of very fine print and I don't think I understand all of it. But that's what you're going to have to deal with to survive.

Secondly, as has been noted, by and large the child does not actually perform the skill but merely picks one of four alternatives presented to him by the test and they know the rule of the testing game well enough to know that one of them is right.

Life outside a school and certain Chinese restaurants does not often present itself in a multiple choice format. Now Professor Ebel championed the multiple choice format because he said life consists of a series of choices. I can't deny that. But the problem in life is to decide what those alternatives are and the consequences of choosing any one of them. And in that sense I think Professor Ebel is naive in the extreme to parallel multiple choice test items and the choices of life.

Q You are a testing expert and you run a state testing program with a lot of different kinds of tests other than minimum competency testing. In your opinion do the minimum competency tests that you have seen measure general skills or discrete skills?

A Discrete skills, and often a very razor-thin band of these skills. If you look at the competency list they often look very broad and general and you can't argue with them. When these lists get translated into actual test specifications and test items, the range of skills invariably becomes very narrow.

Q What is the implication of this narrowing when minimum competency tests narrow that definition down further and further?

A That the instruction is going to be targeted on that very narrow range of skills. The Virginia minimum competency test requires students to multiply fractions. So does the Detroit test. In Virginia the allowable range of denominators are the numerals one, two, three, four and five. In Detroit the range is two through twelve.

If the children are learning the general algorithm, the general method for fractions, for multiplying fractions, why are these restrictions necessary? In the Detroit test, one other point, no integer can exceed 5,000. I don't understand the necessity of these restrictions.

In the Virginia test also we require the child to understand the concept of parallelism and to pick from a set of lines those lines which are parallel. By a series of events much too long to get into here as to how it actually happened, some test items were constructed which required

that the child recognize the concept of perpendicularity or right angles. One would expect that if these children were being instructed in a general program they would be taught parallelism, perpendicularity, acute angles, oblique angles. I am not a mathematician, but I think these are generally related mathematical skills.

And changing the test items should not affect dramatically the passing rate. The passing rate on the parallel items was something in excess of ninety percent. On the perpendicular items it was forty percent. We received numerous phone calls from local school districts saying these items are unfair because it wasn't listed in the competency list. And at least one threatened a law suit, although they didn't follow through on that.

Q Now in most places it is argued that if a student fails a minimum competency test it is okay, because they are going to receive remediation. Is that true in most states?

A In most states. In Virginia it is not required by law, but I'm sure it takes place in all districts.

Q And in your experience in Virginia and elsewhere what does remediation consist of?

A An even more narrowly targeted instruction program with the aim of getting the kid through the test. And I intend this as no real criticism of the schools because the schools are under immense pressure because test scores have

become such a dominant focus of evaluation of schools.

Now the minimum competency test comes along much too late in a child's life for significant remediation. Ask yourself, or, as was stated by a gentleman from North Carolina this morning, what has been the experience of a child who in the tenth grade, which is when we administer the test in Virginia, fails that test? Can it have been anything but repetitive frustration and failure, even if we have had this hobgoblin of social promotion? The kid knows the game. He knows that he doesn't know.

In my experience children in this condition of failing a minimum competency test have such a negative feeling about themselves and about themselves as a part of school that in all likelihood significant learning, and it can occur, is only likely to occur in some setting that cannot be defined, a school.

Q Now how do you think minimum competency programs that have a diploma denial are apt to affect the dropout rate?

A I don't know for other states, but in Virginia the dropout rate has been increasing since we installed the minimum competency requirement.

Now getting units of credit may be a somewhat ambiguous process. When a child gets a piece of paper back that says, in effect, you needed a 70 to pass this test and

you received a 65, that is concrete, specific, imutable. When newspapers and peers intervieved on TV and say this test is a piece of cake, an insult to my intelligence, the effect of failing, I would assume, is doubly devastating and probably a prime catalyst in a decision to drop out.

Q Now are you arguing against standards? Are you arguing against testing?

A When you are arging against minimum competency tests it is pretty easy sometimes to come out to look like you are arguing against competency. No, I am not arguing against either standards or testing.

As notei earlier, I am arguing against a single standard that does not recognize that talents are widely diversified while presuming, in the absence of any evidence, to be measuring survival skills. I am very concerned, as I said earlier, that test scores of a variety of kinds have become, in many peoples' minds the sole measure of a school's effectiveness, the sole measure of how good a student is, how good a teacher is, how good a school is and, as I found out the last time that I moved, how good a neighborhood is.

I am especially against any testing program that covers a narrow range of skills, comes along late in a child's life and has the power of withholding a diploma.

Q Your experience in testing is extensive. What do

you consider to be the proper role of testing?

A Well, there is a secondary role of testing, and that is to measure the progress of groups. That is an unavoidable role in a society which insists in reducing all phenomenon to a single number, such as the GNP or the CPI, and insists equally on comparing groups with one another.

But the most appropriate role for testing is to use it as one strategy for monitoring student progress, as one means for providing information to the teachers about instruction or for instructional purposes, and possibly as one datum in a promotion-retention decision.

Any test that a child takes should begin early in a child's stay in school and be used principally to assist instruction, not to drive it, which is a phrase I have heard recently.

Q So you would not have objections to using test scores as one piece of evidence in making these kinds of important decisions?

A Absolutely not.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Dr. Popham.

CROSS EXAMINATION

BY DR. POPHAM:

Q Is the administrative unit you head in the Virginia Department of Education responsible for Virginia's

minimum competency testing program?

A How do you mean responsible?

Q Do you create new forms of the test? Are you responsible for administering the test?

A We did not select the initial test to be used. Once this test was selected we are responsible for developing new forms for each administration.

Q But if one were to look at a place in the Department where the responsibility lay for carrying out the testing program it would be in your department?

A It would be.

Q Do you approve personally of the Virginia competency graduation test?

A No, I do not, not as it is currently structured.

Q How do you explain that paradox?

A I don't see it as a paradox. I argued against a state-mandated testing program before it was ever put into place. Now that it is in place I have a series of decisions to make. One, I have to decide if this test is in violation of the Nuremburg precedent and, if so, I have to argue that it is immoral and leave. I don't think it is that bad.

Otherwise, I think it is. Actually, my responsibility is to stay on and see that the test is administered as well as possible under the circumstances while trying to alter the program as we go along.

Legislators are continuously having votes go against them. Supreme Court judges are having decisions go against them. They don't leave the bench.

Q And you have not been able to bring about any significant improvements during the last few years?

A We are working on what we hope will be some very significant improvements.

Q Not working on. Have you made any?

A Not yet.

Q The skills that you were criticizing in Virginia as narrow ranged, were those selected by Virginia educators?

A They were selected under extreme duress and extreme haste, because the legislation was passed in March of 1978, affecting the class of 1981. We in the testing area felt that we must have a test by the fall of 1978. We assembled two committees who -- they did yeoman's duty, but in that short a period of time I can't say that the process was wholly rational.

Q But the skills were selected by supposedly competent Virginia educators, perhaps under more haste than was desirable? Could they reverse their decisions and select other competencies and modify them? Can they prevent you from doing that from law?

A They are until the State Board agrees to review the competency areas and the State Board may this fall be

reviewing all policies related to the competency exam.

Q So the situation might be improved?

A It might be. Hopefully it will be.

Q Would you comment about your view that students were dropping out of school as a consequence of the minimum competency test? What empirical evidence do you have to support that?

A The only empirical evidence is a rise in the dropout rate, which seems to have leveled off now. I don't have any formal empirical data.

Q So this is just speculation?

A I would call it an educated guess.

Q You'd call it an educated guess from a person who is on record as opposing the test?

A I don't see that that is salient.

Q I know you don't.

If schools are currently doing so well with the skills measured by "piece of cake" examinations, why are so many students failing those exams?

A Not very many students are failing any more.

Q One hundred percent pass "piece of cake" exams in Virginia?

A Ninety-six percent of the first-time takers pass the reading and 98 percent the math.

Q You have heard earlier testimony on the part of

Virginia educators who believe that the examinations are perhaps having a beneficial effect. You just don't agree with those positions?

A I'm sorry. I wasn't here to actually hear that testimony. I am aware of the situation in Newport News. Newport News had an extensive criterion-referenced instructional and testing program before the minimum competency testing program came along. I would ascribe the good effects, whatever they are, probably more to that program than to the legislatively-mandated minimum competency test.

In addition, in Newport News there is no corroborative evidence of improvements. That is to say, the norm reference scores have not been going up at all. They have been flat.

Q Let me ask one final question. You were contending that examinations were defective in the sense that they did not recognize individual differences. Certification examinations rarely, it seems, recognize individual differences. Do you know if any Bar exam accommodates to the individual differences of aspiring lawyers?

A No. But there I think that there is an agreed-upon body of knowledge that is to be tested. And what I said in my opening statement was there is no

consensus as to what the basic skills ought to be. I have heard all through the three days the basics, the basics, the basics, as if we really know what they are.

Diane Ravage, in the recent New Republic article, says we lack consensus on whether there is any body of knowledge and skills that everyone ought to know.

DR. POPHAM: Thank you. We are out of time. I appreciate it.

HEARING OFFICER JORDAN: Redirect?

Thank you, Dr. Bracey.

The next witness, Ms. Lorenza Calvillo Schmidt, Director, Middle Earth, University of California at Urvine.

TESTIMONY OF LORENZA CALVILLO SCHMIDT

MEMBER, BOARD OF REGENTS

CALIFORNIA BOARD OF REGENTS

DIRECT EXAMINATION

BY MS. MONTOYA:

Q Mrs. Schmidt, can you tell us a little bit about yourself, please?

A Yes. I am presently a member of the California State Board of Education. I was reappointed for a second four-year term last fall.

In addition to that I hold both an elementary and secondary life credential in California and have been a member of the National Task Force on Desegregated Education.

And I am a member of the National Task Force on Migrant Education.

Q How many years have you been on the State Board of Education?

A It's been five years.

Q We have heard earlier today and yesterday the California system of minimum competency testing is one that requires local districts to develop their own competency tests and one that requires that diplomas be withheld if a student does not pass that competency test.

Do you agree with that?

A That's correct.

Q As a State Board member do you receive reports on the implementation of that minimum competency test program?

A Yes, we have. The state law went into effect in September of 1976 and the first diplomas to be denied were June of '81, which was a week and a half ago. But during that time, as districts developed tests, they have administered those tests and then changed them. And we have received a series of reports of the impact of those tests on children.

Q And those tests were tests that were given before the diploma sanction?

A That's correct.

Q Can you tell us a little bit about the results of

the most recent, the one that the diploma sanction relates to?

A Yes. Let me just restate something that was said in your introduction. From my personal perspective I think testing as a vehicle for the improvement of instruction is very valuable. I think testing as a factor for denying a diploma is what I disagree with.

In the fall of '80 the State Department of Education reviewed 85, actually 95, school districts. Eighty-five submitted usable data. And of those 85 school districts they tested the twelfth grade class that would be affected this June and that represented 25 percent of the student body.

The results of that, this last fall we received the report in March of '81, just three months ago. The results were that minority and limited and non-English-speaking students are failing proficiency tests at rates greater than those of all other students. Hispanic students are failing it at one-and-a-half times greater than the overall sample. And black students are failing it at two times the rate of the overall sample.

Overall, fifteen percent of white students are failing the test as compared to 29 percent of Hispanics and 35 percent of blacks. Nineteen percent of the English-speaking students fail as compared to 48 percent of

the limited English-speaking students and 67 percent of non-English-speaking students fail the test.

Q And all of those students did not receive diplomas?

A That was in the fall, so those students would then be projected to have taken those tests again toward the end of this year.

Q In light of those results do you feel that the minimum competency testing program has had a beneficial effect on low achieving and language-different background students?

A No, I am concerned because I think that the impact on students goes beyond the statistical failure. The impact on students that fail is that they are tracked into a very narrow curriculum option and they move into remedial programs and their experience, then, is limited to that remedial activity.

As the state department reviewed the quality of remedial programs developed there wasn't a great deal of evidence to look at, but the lack of sufficient dollars and the problems teaching staffs were having suggested that the quality of the remedial programs are very questionable.

What happens, then, in terms of beneficial or non-beneficial effect for those students is that they are tracked into a very narrow curriculum. The curriculum options are not expended and in fact, because as in some

schools where you had 40, 50, 60 percent of the students failing that first examination you went from perhaps one or two remedial classes to five, six, or seven. You had to pull the teachers, then, who had formerly been teaching other classes into those classes.

And what occurs is that the entire student body then -- other portions of the student community -- lose a calculus class or an English V class or a class on Shakespeare. It's an impact across the entire student body.

An additional part of that, if you want to look at benefit, is that if you then begin to have to pool the general funds to support these three, four, five, six other kinds of remedial programs, the public's response or the parents' response is also not very beneficial. Parents become upset if they want those students to go on to Stanford or UCLA or Harvard and they have not had an opportunity to take the kinds of college preparatory classes that they needed.

Then they also feel resentment because what they see is what appears to them to be a loss of general funds for this expanded remedial program. What occurs, what I believe occurs, is that these very complex factors, when reduced into what appears to be a simple solution to a complex educational problem is that people become very angry at the impact of this kind of program.

Q So you do feel that the curriculum has been in effect narrowed in scope and focus as a result of the --

A That has occurred in California.

Q Do you have information about how the fact that the California population is very high transient and mobile and what effect has that had on the results of minimum competency testing in California?

A That becomes particularly important in California because the existing state law requires that each local district develop its own proficiency test. It is explicit that we are not to have a state standardized proficiency level and I would not be in support of that.

But what I am saying is that the law establishes that the local districts will develop their own tests. Districts have the option of utilizing some models which the state developed or buying commercial products. We have found, as part of the reports we have received at the State Board, 78 percent of the districts are developing their own. They hire consultants or use their teachers. They have not extensively used people from the community.

They use the people within the teaching staffs. So consequently, because each district has a different standard, it has created problems that are not yet resolved for students moving from district to district. You may have students that seek out a district that has an easier test

and that is one type of problem.

But you also may have students that will move from one school to one where the test is harder and they will be denied a diploma and their entire life experience affected by that.

In addition to that, well, I guess the other part of that is, it didn't have the diploma sanction attached to it. Then the adjustment for that child or that student would be to move from one school that had used tests to develop a curriculum to improve its instructional program. They will move to a second district and they will need to adapt to a totally different curriculum. But then they would not be denied a diploma.

What occurs now is that the student population of California, about forty percent of them, are mobile. That is, the family moves, career changes are frequent, the family separates or divorce or something like that, so that for the entire student body there is a great deal of mobility and they are moving from different standards to different standards to different standards, which complicates further the concern about the coordination between the standards they are being tested for and the instruction they receive, which was one of the factors that the Florida case examined -- the correlation between the test and the actual instruction the child had access to.

I might just, as a footnote, indicate that the problems for migrant children are even more severe because they will go to three, four or five schools in one year.

Q There's been a great deal of testimony this morning and on other days about the increased participation of all kinds of community members, especially parent participation. Have you found that to be true as a result of the Hart legislation in California?

A In California we unfortunately have not had what appeared to be a much more successful experience in Detroit. The interaction or the participation of parents in this activity has been tremendously poor. We have had school districts where 75 percent of the parents failed to show and the rate has gone from 75 percent failing to show to fifteen, 25 percent failing to show.

There are a few where parents didn't come.

In the studies that were conducted, and let me indicate that the March study was a study, I think I did say, of 85 schools for the twelfth grade, we found in that study that 19 percent of the districts had held no conferences at all. They had not even included that activity that would pull the parent in. So it remains, at this point in time in California, still as a very serious problem in that process.

The other part of that as well are the fiscal

implications. We have found that districts say to us, because of the severe fiscal crisis in California, or for all public agencies but certainly for education as well, is that the cost of notifying parents plus the counseling sessions with them plus the time, the staff time, it takes to release teachers to hold these meetings and have these conferences, those kinds of costs were costs that had not originally been projected.

That becomes a further factor in having people feel tremendously frustrated and the morale being very low.

Q So there is a mechanism in the law for parent participation but that's not really happening?

A It is happening poorly.

Q Superintendent Trujillo, also from California, testified earlier that a student who does not pass a minimum competency test examination may get a diploma by using another assessment instrument. Are you aware of such a provision in the California law?

A No, I am not. Let me just comment on the certificate for seat time. The law was originally written, as I indicated --

Q What is a certificate for seat time?

A Let me explain that. In '76 it was silent on -- it indicated that you must pass this test to get a diploma, but it was silent on whether you could give a student a

certificate for having spent 12 years there. They didn't pass the test. They may not have completed course requirements, but you give them a piece of paper which says you have been here 12 years and that is sometimes called seat time.

The author, Gary Hart, was asked to consider -- it was, in fact, a very heated political discussion -- was asked to consider permitting explicitly the granting of certificates, whatever they might be called. It was revised in '77 and again in '80 and he now explicitly prohibits the granting of a certificate and says it must be a diploma.

His staff, as they researched other state laws, found that where a certificate was allowed a disproportionate impact on minority children was just horrendous. You know, the 60 or 70 percent of the students that got the certificates were invariably minority children. And he just opted not to permit it.

Q One last question, Mrs. Schmidt.

A Your original question was whether I know of any other. I am not sure whether he was talking about the very traditional GED. I don't know what that other was that was a way out of getting something other than the diploma.

Q But you are not aware of any?

A There's not a certificate that can be granted.

Q Superintendent Trujillo also offered his opinion

that all children should pass the minimum competency test examination in English. Can you respond to that in reference to limited English-speaking children?

A As I indicated, in the first series of statistics the impact on limited and non-English-speaking children has been very severe. The law explicitly states that in order for you to get a diploma you must, at the twelfth grade, pass that test and you must pass it in English.

However, it also explicitly states that you test that child once between the fourth and sixth grade, once between the seventh and eighth, once in the tenth, and once in the eleventh. And it says that any of the tests prior to that twelfth grade can be in the language of the child, the primarily language of the child.

So the district is not prohibited from developing an instructional plan which reinforces and strengthens the language of the child, permits that child to learn the subject matter, the math and the science and the history or biology, in order to strengthen their skills so that the ultimate passing of the test must be in English.

I doubt you will alter the language that the final test has to be in English. But if a district were to use that language, to refuse to use the primary language of the child, I think that is educationally unsound.

MS. MONTOYA: Thanks very much.

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MS. MONTOYA: Thanks very much.

HEARING OFFICER JORDAN: Thank you. Dr. Popham.

CROSS EXAMINATION

BY DR. POPHAM:

Q Miss Schmidt, as a member of the Board charged with governing California schools, are you at all rankled that the minimum competency testing law of that state was initiated exclusively in the legislature and not from the Board?

A Oh, no, not at all.

Q You commented, in response to a question about narrowing of the curriculum in California, that that in effect has occurred in California. That's a very strong statement. What evidence do you have to support the narrowing of the curriculum in California?

A What I would do, and I would like very much to do, is leave with you the two reports I used, and they were conducted by the State Department of Education. One was a status report on the implementation of the proficiency law submitted to the legislature in 1980.

The other was a status report on the implementation of the law submitted to the State Board in March of '81 and I have copies for you.

Q Are you saying that there is unequivocal evidence in those reports that curriculum has been substantially narrowed?

A The study sample that I cited that is used for both of those reports and one of which is on 85 districts. In those districts and the case studies in which they pulled fifteen out of the 85 for a much more intensive phone interview and personal site visits, they found in those schools that they were forced to increase the number of remedial classes and in every instance district staff spoke about the loss of different types of classes.

They didn't all lose their calculus class. Some lost other types of classes, but yes, in every instance they talked about having to reduce other kinds of enrichment.

Q Isn't it possible that with fund reductions that might be a factor as well?

A Absolutely. As you are fully aware, this is in addition to Proposition 13 that has created for districts a decline in fiscal resources. When you lay on top of that a requirement that they must, for the purpose of diplomas and not for improving instructional programs, but that they absolutely must do these series of activities which also take dollars which have been reduced, then all of those factors together result in precisely the kind of thing that I have described.

And I honestly believe that if they did not have the diploma sanction that the fiscal impact would not then be as severe, because districts would have more flexibility.

Q There is no question that your honest beliefs are what we are looking for, but that is such a strong statement for a person in your position I certainly hope you can corroborate that with a lot of evidence.

Let me ask you another question. Since you are opposed to differential standards because of California's local determination minimum competency testing program one would think you might be in favor of a single standard. But as I understood your testimony you are not in favor of differential standards nor are you in favor of a single standard. How do you resolve that problem?

A What I indicated very early in my testimony, testing is a vehicle for the improvement of the instructional program. That can be tremendously valuable. That is the kind of support we should be providing to school staffs in order for them to carry that out.

In using that testing vehicle or outcome for the purpose of denying the diploma, that single standard, whether it is locally set or statewide set, I think we create the same kinds of confusion and problems that have been brought about.

Q Let me ask you a follow-on to that. Would the high failure rates you have described of minority students in California have been as easily detected without minimum competency tests as they were with minimum competency tests?

A I think the difficulties around the different kinds of learners in a state have been identified through a variety of different things. You are fully aware of the categorical programs, the very strong bilingual law in the state, the emphasis on migrant programs, the very strong federal and state law for handicapped children, so that we have a variety of different educational and funding vehicles which have directed us to different types of problems and different types of learning communities.

It was not as if this was a whole new revelation that we would not have known about.

Q We certainly have heard a lot more about it in the last few years as a consequence of MCTs.

A Are you suggesting that it's okay that we failed 40 percent of black students for the purpose of learning?

MR. ALLEYNE: The witness should answer questions, in my judgment.

MS. PULLIN: The examiner should also only ask questions, not testify.

MR. ALLEYNE: I'm asking that the hearing officer make a ruling that the witness not ask questions and that the witness simply answer questions instead of asking questions.

HEARING OFFICER JORDAN: Would you please be responsive?

BY DR. POPHAM: (resuming)

Q Mrs. Schmidt, if larger numbers of minority students than majority students are failing these local minimum competency tests, briefly, doesn't that indicate that those students lack basic skills?

A I guess my response would be, Dr. Popham, that it probably indicates a variety of varied, complex kinds of things.

Q It doesn't indicate that they lack basic skills?

A The only thing that test -- the failing that one test -- suggests that for reasons that I'm not even sure they failed that one test. Possibly they didn't know the information.

Q I'm not talking about the reason. Doesn't it indicate that they lack the skills?

A No, not necessarily. It may. It may be that they don't test well.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: You are excused. Thank you very much.

The next witness, Mr. Frederico Perna, Attorney and State Legislator, Denver, Colorado.

TESTIMONY OF FREDERICO PERNA

ATTORNEY AND STATE LEGISLATOR

DENVER, COLORADO

DIRECT EXAMINATION

BY MS. PULLIN:

Q Representative Perna, what kind of experience have you had in dealing with educational problems?

A Generally I have had sort of a dual level of experience in educational problems. One is as an attorney I have been involved in both litigation at the federal and state level involving discrimination complaints, representing parents and students. At the state level, as a state legislator, I have focused on school financial form, bilingual education and other educational issues.

I have testified before the United State Senate on federal education legislation and other administrative hearings.

Q In the course of this extensive involvement in educational problems have you had occasion to listen to your constituents or other citizens comment about the state of American public education today?

A Yes. And the criticism that I hear not only comes from my own constituents in my own legislative district. They come from my travels throughout the entire state, which is largely rural. Essentially I think the criticisms have been capitalized during these hearings, which are that the parents, taxpayers, the business community and other individuals feel, as a general rule, that the public

educational system is not responding, is not producing students who can compete, who can provide the kinds of direction and leadership that we need in the state and in the country, and who basically don't have the same kinds of skills that apparently the public school system used to produce.

Q You indicated in that response that you received some of those criticisms from your own constitutents in your own district. My recollection is that you are a legislator from the City of Denver. And my recollection is also that the City of Denver has had a minimum competency testing program used to deny a diploma for a number of years. Is that correct?

A That's correct.

Q But you still hear complaints from your constituents in Denver?

A That's correct. I represent a district which is about fifty percent Hispanic and we have a large number of minority schools in my district. The Denver public school system has had a PAR test for about 20 years now. We have a state law which allows districts to have some form of proficiency testing if they so choose. It is not mandatory.

But in Denver we have a tremendous dropout rate in our high schools and particularly the Hispanic high schools and at the tenth grade level where the test is first

administered, it's my understanding that a very large number of students fail it. So there are a lot of problems and complaints from my constituents.

Q After you received all of those complaints from various constituents and other Colorado citizens about the state of education, I assume that you, as a responsive politician, attempted to try to help them address those problems. What kinds of activities have you engaged in vis-a-vis those educational difficulties?

A I don't know if it was because I'm a responsive politician. My concern, and it was before I was in the state legislature, was with working with parents. I guess I'm a little disappointed that the testimony this morning on the part of some very outstanding educators focused so little on parents.

The implication that was left this morning was that apparently this minimal competency test is what is the prime reason for the improvements in the educational system in their states or in their school districts.

Q What do you see as the importance of parental involvement?

A I think that is the number one point and the number one factor in improving any educational system. In my state I have worked in many rural school districts, in particularly, working with parents, working with students,

getting parents involved in the educational process, providing parents with education as to state laws and federal laws, their rights and responsibilities, encouraging parents to join advisory committees, to participate more fully in school activities, to attend classrooms, to help devise curriculum, to help devise policy for the school district, be it in retention policies, discipline policies, a number of kinds of student policies.

And I found that in our state where you have that kind of parent involvement and obviously with an administration which is sympathetic and generally wants parents' involvement and parents' input, that you have a vast improvement in the educational program in any school district. And I'm a little disappointed that that has not been highlighted during these hearings.

Q Well, you have certainly helped articulate that concern and a way of addressing these problems.

I wonier, though, whether you have actually been able to implement a parental involvement program in any of the local school districts and, if so, how that worked?

A Absolutely. And it is interesting, when I describe this process, let me first say that this one district that I am going to speak about is a district which about six to eight years ago had very severe racial tension in a very small rural community in the southern part of

Colorado between the Hispanic community and the Anglo community. But that has all been turned around because of tremendous input and interest on the part of parents.

So now we can look at achievement test scores and the CTBS test. We can look at dropout rates. We can look at retention rates of children, the attendance rates of children, which have all been vastly improved because of tremendous parent involvement and the complete change that has been brought to the school system because of their involvement without minimum competency testing at all. In fact, there's no discussion of minimum competency testing.

Q Did you say that the program was successful and that there had been an increase in educational quality as a result?

A That's correct.

Q And what examples do you have of the fact that that has happening?

A There is some test data which is preliminary and very recent which shows that, in particular, Hispanic children have improved anywhere in the range of ten to twenty percent in the last two years in their mean scores on standardized English language achievement tests. There are other kinds of indicators, as I mentioned earlier -- the increased attendance rate of children, even among very young children who traditionally are very prone to illness.

We found that for some reason more and more kids are attending school. The dropout rate has been improved or at least reduced. That kind of feeling and involvement in this school system we have been able to evaluate.

Q You seem to indicate that the parental group you were working with in that school district soundly rejected the notion of minimum competency testing program. Do you share that notion? Do you reject the notion of minimum competency testing?

A I think it depends on the purposes for which such tests are used. I don't absolutely reject any use of minimum competency testing. In fact, I largely agree with most of the testimony this morning on the part of the educators from the other states that they use this test to help identify problems of children at very early stages.

In fact, I would take it a step further. I don't think we ought to start testing at the ninth grade level. I think we should start testing at the first grade level and begin to do the kinds of intervention that we talked about.

My main disagreement is that that test should not be primarily used to, or exclusively used for the purpose of denying a diploma. And I think if one looks at the testimony this morning every one of these educators who spoke so glowingly about their districts, and I believe what they are saying because I think they are very honest and

sincere and hardworking educators, not one of them testified this morning that they absolutely and firmly believe that without the minimum competency test their program would fall apart, that they wouldn't have the improvement in their educational system that they were so proud about.

Not one of them said that. They were all very careful to shy away from that very last point, at least when I listened to the testimony this morning. I would not conclude from that testimony that, dispensing with Your Honor's involvement in this case, it is proven that a minimum competency test must be used to deny a diploma.

Q You have to admit that some of the testimony this morning referred to some very high pass rates on some of those examinations. Didn't you find that somewhat persuasive?

A Well, I have to admit I was impressed by the 98 to 99 percent pass rate in some of those tests. But looking at that objectively one has to wonder what that really means. What that tells me as a parent, as a taxpayer, as a citizen, it either tells me that the kids are doing marvelously well in school and there is no need for any testing program because they are all almost geniuses -- at least 98 to 99 percent of them at least doing very well in school -- or that perhaps there has been a ceiling effect, as was discussed by an earlier witness, and that perhaps the test

was too easy.

To me I guess I am a little troubled by a finding that 98 to 99 percent of the children are passing a test. That is not the normal distribution of the regular tests and I don't think it gives us that much information.

Q Don't you think that when a standard is set students will strive to achieve and pass the standard or meet the standard?

A Absolutely. I was very impressed with the testimony this morning that the children, I think in Detroit, were going to summer school, were taking remedial classes, were going out of their way to take these classes because they wanted to pass the test. I was sitting in the audience thinking, well, if the superintendent of that school said, to get a diploma in this district you have to climb a telephone pole by twelfth grade, I bet those kids would be going to summer school to learn how to climb a telephone pole.

That's obviously a ludicrous example, but the point is that if students know that they have to do X to get a diploma they, of course, those who are concerned will work very hard to do X to get that diploma.

My question is, I think the X that they are doing is misguided and that's not what kids should be doing.

MS. PULLIN: Thank you. I don't have any more

questions.

HEARING OFFICER JORDAN: Mr. Popham.

CROSS EXAMINATION

BY MR. POPHAM:

Q In your testimony you observed that in the situation you are describing minimum competency tests were not discussed. Then the questioner said that these tests were soundly rejected. Perhaps that was an inference on her part. Were they soundly rejected or not discussed?

A In which environment were you referring to?

Q Whichever one she was referring to.

A Oh, I think she was alluding to two things. One was in the community of Center in the one school district I am talking about where they were discussed and soundly rejected. Our state legislature has also rejected it.

Q In the other situation they weren't discussed?

A Yes, they were discussed.

Q Okay, you are clearly a person who wants to improve the quality of schooling. I want you to realize that in this clarification hearing we are talking about minimum competency testing in at least two variations. One involves a diploma sanction -- withholding diplomas from youngsters who don't pass the test -- and the other involves isolating those students who need remedial assistance. That can be as early as the first grade all the way through the

twelfth grade.

Picture that ladder kind of program which attempted to create safeguards along the lines implied by many peoples' testimony here, even a program which involved strong parental participation. Couldn't you find yourself in support of such a program?

A Yes.

DR. POPHAM: Thank you very much.

REDIRECT EXAMINATION

BY MS. PULLIN:

Q Would you use a minimum competency test score alone to make a critical decision about a student?

A Absolutely not, and I hope my testimony earlier clarified that.

HEARING OFFICER JORDAN: Thank you, Mr. Perna.

The next witness, Dr. Charles Richman, Professor, Department of Psychology, Wake Forest University, Winston-Salem, North Carolina.

TESTIMONY OF DR. CHARLES RICHMAN

PROFESSOR, DEPARTMENT OF PSYCHOLOGY

WAKE FOREST UNIVERSITY

WINSTON-SALEM, NORTH CAROLINA

DIRECT EXAMINATION

BY DR. MADAUS:

Q Professor Richman, could you give us your

background and field of expertise?

A I have a Master's degree from the School of Psychology, Ph.D. in experimental psychology, licensed practicing psychologist in the State of North Carolina. I began by being a director of the testing bureau at Hampton Institute.

I am presently Professor of Psychology in the Department of Psychology at Wake Forest and Program Director for the Research and Child Development Program at Bowman Gray School of Medicine.

Q Could you briefly describe the North Carolina minimum competency program as it relates now to the receipt of the high school diploma in North Carolina?

A Eleventh grade students in the State of North Carolina are required to take the minimum competency test and pass both parts -- the math and reading -- prior to graduation, that is, receipt of a diploma. If they fail the test they receive a certificate of attendance.

Q So they cannot get a diploma in North Carolina unless they pass that test?

A Correct.

Q Now did you recently conduct a study on the effect that the North Carolina minimum competency testing program had on pupils in Greensboro, North Carolina?

A Yes, I did.

Q Could you briefly describe how you went about that particular investigation?

A We began by meeting with the counselors from four high schools in the city -- the four high schools in the city. And they had a director of counseling for the city of Greensboro. And I discussed with them what I would like to do in terms of assessing the effects, emotional effects on students who either pass or fail the test -- the competency test.

We did this. I had the agreement of the four high schools, and we tested a total of 66 students, which was later reduced to 54 students because of absences or dropouts, prior to the receipt of the results of the competency test and one month following the results that they received in terms of the competency test. We gave a battery of four different tests to these students.

We classified students in terms of two categories in the pre-competency testing phase -- high risk and low risk. Low risk was determined by the counselors as being those students who were well above the top twenty percent in their respective schools and had positive teacher recommendations. The high risk students were those students who had scores or grade point average in the lower twenty percent of the class, were in a pre-remediation program, and you had the teachers' recommendation in terms of possibility

of failure on the test. Again, it was a pre-post-test design.

Q Could you briefly describe for the audience what your results revealed?

A The results revealed, number one, that on most of our measures there were no differences among our groups in pre-competency testing results. Most of our results revealed -- the important results, as I saw them revealed that they all occurred post.

Q So there was no difference in any of the results before, but you are saying the differences between the two groups showed up after the tests?

A Correct. And this became three groups, actually. We had the low risk group with no failures and the high risk group. And we did not know who would fail or who would pass, so then we divided those into high risk-fail and high risk-pass students.

The one instrument, the psychological screening inventory, which is used to screen psychiatric problems, was administered and again no differences occurred pre-competency testing. But in post-competency testing we found that the high risk-fail students had a statistically significant increase in their anxiety, suspicion, perceived maladjustment dimension. And this dimension as correlated with neuroticism and schizophrenia varied quite high on the

MMPI.

A second dimension is alienation, similar to the behavior of hospitalized psychiatric patients. We found on this dimension, the alienation dimension, that the high risk-fail students, although none of them reached the critical level of a score of 70, behaved similarly to many psychiatric patients. Post-testing the high risk-fail students, over 25 percent were in that category -- the alienation category.

None of the low risk and none of the high risk-pass students could be placed in that category. Again, this part of the instrument is highly correlated with neuroticism and paranoid behavior, and other dimensions, such as self-esteem changes, et cetera.

And then we found an interesting finding with the student who passed the test but were high risk -- high risk-pass students. We also found that they also changed, but they changed in a negative direction after passing it. That is, they showed a significant decrease in conscientious behavior related to academic achievement.

Q Their measures, after they passed, indicated that they were less -- they reported that they were less conscientious about school matters?

A Exactly, and less conscientious about other matters also.

Q How would you intepret that?

A Well, really it was a surprise to us. I had a counselor in the system interpret it for me. She told me that she has seen similar things like this. She has seen this occur, actually, with several students. That is that it was as if -- and we are talking about a high risk student -- it is as if he or she has passed the last hurdle and there is nothing left. I am going to get my diploma and all I have to do is live another year and a half.

Q This is in the eleventh grade?

A Correct.

Q So we could sum up your findings for the audience. What would you say?

A I would say that our findings suggest that the minimum competency test, as it is given in the State of North Carolina, penalizes both the student who passes the test, that we did not suspect in terms of the conscientious level, and as we did expect prior to it, penalizes the student who fails the test emotionally.

Q Now you are a psychologist and a member of APA?

A Correct.

Q Do you think that we should use tests to make important decisions, use test scores by themselves to make important decisions about individuals?

A I think tests are appropriately used and

appropriate tets are important for helping guide one's decisions, yes.

Q But the scores shouldn't be used by itself, say to deny a diploma?

A In no case can I say a score on a test. We are not sophisticated enough in the testing business at this point.

DR. MADAUS: Thank you very much.

HEARING OFFICER JORDAN: Mr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q In your study and in your testimony you referred to pre-competency testing and post-competency testing changes. Isn't that inaccurate on the very description of what transpired?

A Pre-competency testing knowledge and post-competency knowledge.

Q It's not testing?

A Knowledge, correct, of scores, correct.

Q They have taken the test before and that's what you're talking about, knowledge?

A Knowledge of the results. Ten days, approximately seven to ten days after taking the competency test, where they had no results known to them, and approximately 30 days after the results are made known to them.

Q The test having been taken before that?

A Seven to ten days.

Q The study you report is a pre-test, post-test design, right?

A Correct.

Q There's no randomization, correct? Randomization, assignment of subjects?

A Sure. They were randomly assigned. And in terms of stratified randomization, low-risk students were stratified and high-risk students were stratified.

Q But there is no random assignment of a control or comparison group?

A Sure. The low-risk students are the comparison group.

Q They were assigned at random?

A Sure. We could not test all low-risk students in the whole population, so they are a sample randomly selected.

Q Perhaps -- well, I will leave that alone. I think in common parlance randomization in design may mean something different to other folks.

You described this group as taking a special competency test course. Were they enrolled in that test course as the study progressed?

A They were enrolled in it prior to competency

testing and throughout.

Q Throughout the course?

A Yes.

Q Isn't it possible that what was going on in that course, clearly another independent variable, may have accounted for the effects that you note?

A No. I had a high-risk pass group and a high-risk fail group.

Q You are going to suggest on the basis of your professional reputation that when you have two potentially independent variables operating simultaneously you can exclude one on the basis of this design?

A No. I said that if you are talking about differentiation in terms of the high risk population, all the high-risk students were in this course, were in this remediation course, all the high-risk students.

Q The possibility of an interaction effect --

A Oh, there is a possibility of that.

Q But that is not alluded to in your explanation. You don't even mention the fact that something else going on during the same time might have caused the results.

A In terms of the change from pre to post? What are you suggesting?

Q Just that. You were kind enough to explore this study with me over the phone and I appreciate the

graciousness of that. I concluded that conversation with you identifying its title, which is "A Preliminary Report." It seemed to me, Professor Richman, that if you just suggested a number of studies, a number of conclusions based on this -- wouldn't you want to go on record as suggesting that this is indeed a preliminary report which you are hoping to follow up with other studies, and the very nature of the small sample, the exigencies of getting in and out of the schools makes it only that, a possibility kind of study?

A I definitely think it's a preliminary study, and I guess I think it is suggestive. As I stated earlier, it is suggestive and I would like to follow up on it in the future.

Q That's very important. I hope you get a chance to. Thank you very much.

A Thank you.

HEARING OFFICER JORDAN: You are excused.

The next witness, Dr. Lawrence McNally, Director of Pupil Services, Northport-Eastport School District, Northport, New York.

TESTIMONY OF DR. LAWRENCE McNALLY,
DIRECTOR OF PUPIL SERVICES, NORTHPORT-EASTPORT
SCHOOL DISTRICT, NORTHPORT, NEW YORK
DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. McNally, could you give us a little bit of your background, please, and education?

A Yes. I am a director of special education, actually in New York State. I am the director of pupil services. I am in charge of the special education program within the Northport-Eastport School District.

I hold a Ph.D. in educational research and I have been in the field for approximately 20 years.

Q How did the Northport-Eastport School District become involved in competency testing?

A Traditionally, our district has always awarded high school diplomas to students, including pupils with handicapping conditions, as a symbol of the fact that they have successfully completed their course of high school instruction. And in 1979 the state education department instituted a new requirement for receipt of the diploma, namely the passing of the competency test in areas of reading and mathematics.

Our district had at that time two students who failed to meet this new requirement. Both of these students had handicapping conditions. The records of these students indicated that they had successfully completed their IEP's, though.

Q What is an IEP, for the audience?

A IEP stands for individual educational program, and it is a written document that is developed that reflects the instructional program that is being provided for all students. It is a federally mandated requirement and it is mutually developed by the staff, the parents, and where appropriate the youngsters in question.

It incorporates the goals and objectives of the educational program that is going to be provided to the students, and incorporated in the individual education program are the evaluation procedures that are going to be used to measure whether or not the student has or has not attained the objectives.

Q And a lot of thought and planning goes into these IEP's for each individual student?

A That's right.

Q So I interrupted you on that question. Could you tell us about what happened to Abby and Richard?

A Well, the Northpoint District decided, based upon the fact that the students had successfully completed their IEP's, to award them high school diplomas.

Q They had failed the competency test?

A They had failed to meet the requirements of the competency test.

Q So they could not get diplomas?

A That's correct.

Q And then Northport-Eastport did what?

A They awarded the diplomas based upon the fact that they did not want to denigrate the achievements of these students. They didn't want to deprive them of the traditional form of recognition that is given to every student who has successfully completed their high school course of instruction. We didn't want to ignore the objectives that had been developed at their individual educational planning conferences.

We really didn't want to use an arbitrary measure such as the basic competency test to judge whether the students had or had not successfully completed their instruction program. And we felt that it would be patently unfair to penalize these students by depriving them of the diploma because of the fact that they had failed to meet these particular competencies, because of something that was beyond their control.

For example, one of the students, who was a neurologically impaired youth, passed the reading competency program, but she failed the mathematics test. The reason that she failed the mathematics test was the fact that she had a neurological impairment which precluded her from performing mathematical operations.

And we felt that it would be grossly unfair to deprive this student of the traditional form of recognition

that was due her.

Q We will come back to what happened, because I think it's a very interesting story of what transpired after you awarded the diploma.

But what problems would the denial of the diploma create for handicapped students in New York?

A Well, when you deny a diploma to a student with a handicapping condition, you are basically advertising their shortcomings to everybody in the community. You have the potential of actually stigmatizing them by labeling them as incompetent.

You have to realize that many of these students have achieved phenomenal factors in terms of particular areas of competence, which unfortunately are not measured by basic competency tests.

Q Are there any economic consequences to a handicapped student that graduates without a diploma?

A There are very serious economic repercussions when you deny a student with a handicapping condition a high school diploma. The impact is that you limit their access to employment opportunities.

The prospective employer all too often uses the diploma as a screening device and denies the student access to a job interview. The diploma is used as a minimum requirement all too often, without regard to the actual

skills required of the job or possessed by the applicant.

Many pupils with handicapping conditions are eminently qualified to hold jobs, but because of the fact that they don't have this piece of paper in their hand when they go for the job they never even get an opportunity to be interviewed for it.

Q Let's pick up the story now. Abby and Richard failed the mandated New York minimum competency test and therefore were not supposed to get a diploma?

A That's correct.

Q Northport-Eastport went against the New York regulations and awarded the diplomas. What happened?

A The state education department ordered the school district to provide them with the names of the two students, the names and addresses, so that they could notify the youngsters that they had received an invalid diploma. The school district refused to give the state department the names of these two students, and as a result we had to go to court.

Q What happened in court?

A Well, after a very protracted period of time the court rendered a decision in favor of the two students. The decision indicated that the state, in its actions in terms of trying to deny a diploma to these students, basically was violating the due process procedures of the Fourteenth

Amendment.

The youngsters, because they had successfully completed their course of instruction, the court ruled that they were entitled to receive their high school diploma. They had attended special education programs designed to meet their individual needs and abilities and not to pass the basic competency test, and they had been in these programs for a number of years. One of these students was in special education programs for 12 years, another one for 14 years.

And to change the requirements just before they were to graduate was as violation of their due process rights. The court felt that the denial of the diploma to these students would possibly stigmatize them by labeling them incompetent. And in addition, it recognized in its decision that there was an adverse impact on these pupils in terms of limiting their future employment opportunities and ultimate success in life.

MR. ALLEYNE: Professor Jordan, I think that if the witness is going to go on describing a court decision, we at least should have the foundation of knowing what court decision he is talking about, the name of the case, and the level at which the case was decided.

DR. MADAUS: That is my lack of experience in the way I asked the question. I'm sorry.

HEARING OFFICER JORDAN: Could you provide us with that information?

THE WITNESS: Yes, I can. It is the state court, the Supreme Court of the State of New York, County of Albany.

HEARING OFFICER JORDAN: The style of the case?

THE WITNESS: What?

HEARING OFFICER JORDAN: What is the style of the case? What is it called?

THE WITNESS: In the Matter of the Application of the Board of Education of Northport-Eastport School District and Abby and Richard, by their Guardian, against the Petitioners. Then it says Gordon M. Ambach, Individually and in His Official Capacity, as Commissioner of Education of the State of New York.

HEARING OFFICER JORDAN: Thank you.

MR. ALLEYNE: I would just like the record to show -- and I know you are aware if it, but the audience may not be -- but the Supreme Court of New York is not the highest court in New York, but is one of the lower courts in New York. It is a trial court.

HEARING OFFICER JORDAN: Professor Alleyne, you are out of order.

Proceed.

DR. MADAUS: Thank you.

BY DR. MADAUS: (Resuming)

Q The court ruled that Abby and Richard should get their diplomas?

A That's right.

Q Now what is happening now in New York in terms of your students that are following IEP's in your district? I gather New York still has the diploma sanction for handicapped students?

A That's correct. Our district and a number of other districts, however, are continuing to award high school diplomas to pupils with handicapping conditions who have successfully completed their individual educational plans.

I would note that we have had an instance of a youngster who passed all the state requirements, including the competency test requirements, for receipt of a high school diploma, and because that youngster did not complete the vocational component of his individual educational plan the recommendation was that he not be given a high school diploma, because we use the individual educational plan as the basis for rendering -- as the primary indicator as to whether or not the student should or should not get a high school diploma.

Q So you have standards for graduation for handicapped students that they have to meet in order to get

a diploma?

A That's right.

Q How do other professionals in the field of special education feel about competency testing being used as a precondition for the receipt of a diploma?

A Many of the special ed directors I have talked to feel that the competency test as a precondition to the receipt of a diploma is a very harmful one. In fact, there are many of us that feel that it really has a destructive impact on pupils with handicapping conditions. We feel that it damages their self-esteem by labeling them as incompetent, that we have a very grave concern about the fact that many of these students will now exit from school much earlier and in essence drop out of special education programs because they no longer have an incentive to stay there.

Q How would that work? Can you elaborate on that order?

A Well, we all do things for various reasons, and one of the reasons why youngsters stay in school is the fact that they are told that if they complete their program of instruction they will ultimately receive a form of recognition which translates into a high school diploma. And when you tell a student that you are not going to get a high school diploma if in fact you can't pass this

competency test requirement -- and some of these youngsters are very well aware of the fact that they will never be able to pass these competency test requirements -- they in utter disgust say, I give up, and they exit from the system.

DR. MADAUS: Thank you very much.

HEARING OFFICER JORDAN: Cross-examination. And I would just simply state, on cross-examination -- and I thought, since this is the third day of the hearing, that the participants would know this -- if you want to evoke some responses which will be of some value informing the audience of some deficit in testimony or some information you feel that the audience ought to know, then that must be evoked through responses on cross-examination and not by gratuitous comments from your seats.

Dr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q Dr. McNally, I want to ask you a question and only one question, because we have no quarrel with your testimony or the views you have expressed. But I'd like to set that question in an accurate depiction in our team's stance.

Yesterday we commented that we have no disagreement with differential standards for handicapped youngsters. For example, as you have described, the IEP as a way of establishing standards for those youngsters would

be quite acceptable to our view. We think it would be inhumane to require handicapped youngsters to pass the same test as non-handicapped youngsters at the same standards. That is absurd.

However, I have a question. It seems possible under these circumstances to have a form of minimum competency testing using IEP's or some analogous specialized, adapted examinations. Do you think there's any virtue in some kind of differential diplomas for handicapped youngsters?

This is a very troubling area. We don't know the answer to it. But is there any sense in which diplomas for regular youngsters not distinguished in some way from diplomas for handicapped youngsters will have adverse effects? I would be interested in your view on that.

A I believe, if you are going to issue a different diploma to handicapped student you are basically going to be discriminating against those students. I believe that by doing so you just are putting them in the position of being second class citizens.

DR. POPHAM: Thank you. I appreciate your views.

HEARING OFFICER JORDAN: Redirect.

REDIRECT EXAMINATION

BY DR. MADAUS:

Q On the IEP, when you use the IEP to determine

whether students should graduate or receive the diploma, doesn't the IEP consist of a lot of assessment, and then professionals get together and use a lot of evidence to make the decision?

A That's correct.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Recross?

RECROSS EXAMINATION

BY MR. ALLEYNE:

Q May I see the decision you refer to?

A Certainly.

Q The case entitled "Supreme Court of the State of New York, County of Albany, Board of Education of Northport-Eastport, and Abby and Richard," et cetera, that case was decided by a trial court, is that correct?

A No, that was decided by a judge. Yes, it was not a jury trial.

Q It was a jury trial, and this was a decision that could be appealed through the intermediate appellate court in New York, is that right?

A That's correct.

Q And could be appealed from there to the highest court in New York, which is the New York Court of Appeals, is that right?

A That's correct.

HEARING OFFICER JORDAN: Thank you very much. You are excused.

The next witness is Alan Levinson. Mr. Levinson is a parent from Eastport, New York. Mr. Levinson.

TESTIMONY OF ALAN LEVINSON,

PARENT, EASTPORT, NEW YORK

DIRECT EXAMINATION

BY MS. PULLIN:

Q Mr. Levinson, I believe the Hearing Officer stated you are a parent. Could you tell us how many children you have?

A Three.

Q And those children go to public schools or have gone to public schools in the State of New York?

A Yes.

Q Have those children taken minimum competency examinations as part of their requirement for a high school diploma?

A Two have. The third is a junior, so she hasn't taken the test yet.

Q For the two students who have taken the test, have they both passed?

A One passed and one didn't.

Q Okay. Let's focus on the one who didn't, because that's a little more troublesome to me. Tell us a little

bit about what she did or did not pass on that test?

A Okay. The child that did not pass is Abby who was mentioned by Dr. McNally. She had passed the reading and could not even take the math, because she is intimidated by the test. In fact, we were notified by the school that on a preliminary test -- I believe they give them a preliminary test to see how she would do -- she basically broke down. She could not take the test.

Yet she is capable of math. She is capable of adding, subtracting and multiplying somewhat, dividing. I doubt it. She can tell time. She can work. But she cannot take a math test.

Q Would it be fair, then, to say that there are certain things that Abby cannot do if they are going to be tested in a paper and pencil test, and that there are certain skills in mathematics, basic mathematics, that she does not have?

A Yes. She does not have some skills in math. Yet she could pass a math test if she didn't know it was a math test.

Q It sounds like Abby is afraid of math?

A Yes.

Q When you look at Abby in her day to day dealings in the world, how does she do? Does she go out into the world and cope as a young adult?

A Yes. She is 22. Socially she is active. She does go out. She does have boyfriends. She does work. In fact, she has two jobs, one job on a Saturday. She does filing for an optometrist, not only filing but inserting mail and such. And then during the week she works for a program called Arbor, which is a program that was established by parents of handicapped children, where she does silkscreening, she has done horticulture. At this time they are packing for automotive parts. We are going into a new venture, which is maintenance service.

And on all of these items she is definitely capable of doing the work.

Q Does she do other things required of normal adults, like take the train to work or ride the bus?

A Yes. She even argues with me. She goes to work by train. She takes the Long Island Railroad. She goes on the train by herself. She gets to where she is going. And then she has to take a cab to get to the office.

And she is well capable of this. She knows the time schedule. She knows -- just to back up about telling time and maybe relating it to math, if we are running late to get to the train, because I drop her off on the way to my office, she knows we are late. In other words, she knows the train is 8:36 and it is now 8:32 and we don't have much time left to catch the train.

So she is capable of this. She does know what train she is catching back home, which again relates to some math, I guess. And she is able to function as a normal person within the outside world.

Q All right. You say that your daughter is able to function, and yet the testimony of Dr. McNally indicated that the Commissioner of Education of the state of New York declared that he felt Abby's diploma was a counterfeit diploma.

A He obviously is wrong, since they lost the case.

Q That is a legal judgment, and I doubt that Dr. Popham or Professor Alleyne will let you do that.

Why don't you give us your opinion as Abby's parent about whether or not she was entitled to a regular high school diploma.

A She definitely was entitled to the diploma. Abby herself felt that she was entitled to the diploma. Abby herself has said that there is no way the state will ever get the diploma back. So I don't know how many courts they have to go to, but they will still never see the diploma.

Not only did she get the diploma, but she earned the diploma. She went to school. The average child goes to school I guess 12 years, from 6 to 18. She went to school possibly 14 years or 15. She worked, I'm sure, harder than my other daughter, who happened to graduate at the same time

from Northport High School, probably worked twice as hard to get the diploma, and feels she earned it.

And if I remember reading the diploma, there is something on it that says something about achievement, and she achieved something and she achieved her diploma.

Q She fulfilled the requirements of her individualized education plan?

A Definitely. And she feels the same way.

MS. PULLIN: Thank you very much.

HEARING OFFICER JORDAN: Cross?

DR. POPHAM: This isn't even a question. We find ourselves in considerable accord with Dr. McNally and with you, sir, and most of all with Abby, and certainly don't want to have any cross-examination.

MS. PULLIN: Does that mean you're going to defend her when they come to take her diploma away?

HEARING OFFICER JORDAN: You are excused. Thank you.

We will now take a break for about 15 minutes, and we will reconvene around 3:25.

HEARING OFFICER JORDAN: The hearing will reconvene.

The next witness is Dr. William Shine, Chief School Administrator, Superintendent, Cherry Hill School District, New Jersey.

TESTIMONY OF DR. WILLIAM SHINE, SUPERINTENDENT,
CHERRY HILL SCHOOL DISTRICT, NEW JERSEY

DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. Shine, would you describe your educational and professional background for the audience, please?

A I was a classroom teacher and school standard, school superintenient, and a state department of education official, an assistant commissioner for curriculum instruction in the State of New Jersey. And currently I'm a local school superintendent.

Q In Cherry Hill?

A In Cherry Hill.

Q Could you describe the district of Cherry Hill?

A The Cherry Hill School District is a middle class to upper middle class school district, 14,000 students K through 12, two high schools, three junior high schools, and 15 elementary schools.

Q Would you describe for the audience the New Jersey minimum basic skills?

A The New Jersey minimum basic skills program features tests in the third, sixth, ninth and eleventh grade. In 1985 these tests will be used for certification for high school graduation.

Q And right now they are using them to identify --

A Right now they are using them to identify students for remediation and to classify school districts or schools in the state as approved or unapproved.

Q Dr. Shine, do you consider that minimum competency tests, when used for diploma denial or promotion represent a serious threat to public schools in this country?

A Yes. I think it strikes at the very heart of public education. I think that the decision to use those youngsters who have a cognitive deficit at the twelfth grade level to validate or invalidate a system is cruel. I think that it will be politically unproductive, and I think at the present time it is almost entirely politically motivated.

Q So you say that this is a political response, then, to an educational problem?

A No doubt in my mind.

Q What do you see as a direct impact of these kinds of programs that use the test score to deny a diploma or a promotion or classify students? What do you see as the direct impact on students?

A I see the awesome power of the state being employed to narrow the curriculum so that public schools will focus more and more on providing youngsters who are cognitively bright in a very small segment of the subject matter and relatively docile, effective workers.

Q What impact have what you term political decisions

to use minimum competency tests had? What effect have they had on educators in responding to --

A Well, some educators have welcomed them because they provide clear proof of accomplishment, however minimal, they abort any attempt at systematic evaluation of individual teachers, principals, or school superintendents, and they are a way to respond to public criticism which the press appears to understand at the moment.

Q Dr. Shine, does minimum competency testing, particularly in your home state of New Jersey now, lead to a loss of local control over the curriculum?

A Yes, no doubt about that.

Q Okay. Now, is there anything inherently wrong with state control?

A No. There is nothing inherently wrong with state control of the curriculum if one believes that the parents shouldn't exercise maximum control over the education of their student. The further the decisionmaking regarding the content of education, both in course offering and in methodology, is removed from the parent, the more alienated, in my judgment, the parent becomes or will become, and the more likely that parents who want significant control over the education of their children will exercise the private school option.

Q One other thing on that. Do you think that the

professional educators at the local district level are better equipped to address the curriculum issues than state department people?

A I think there's probably very little difference in the competency level in state departments of education or at the local district level. I think one could raise serious questions about whether minimum competency should start with school boards and superintendents rather than the children.

But that aside, it's not so much the competency as it is the responsiveness issue.

Q Dr. Shine, has there been a decline in curricular offerings in order to prepare students for the tests?

A There has been a decline in my district from the third and sixth grades in schools that have felt threatened. I have 15 elementary schools. Each one is structured in essentially the same way. Some one or two of those schools were marginally threatened with public exposure by failing the test. So they spent an inordinate amount of time preparing for this test, and of course they succeeded admirably.

Q The test scores went up?

A 100 percent passing.

Q So another miracle, like the ones we have been hearing.

A We saw instant miracles.

Q Instant miracles.

As a superintendent in these very tight financial times that we are in, are you concerned about the cost of these state-mandated programs on you as running a local school district?

A Yes. When you consider in New Jersey we are averaging 12, maybe $13 a child per day, and we take two days out for testing in grades 6, 9 and 11, and three days in the third grade, and for instance in my district we tested 750 third graders and we found one who failed the test after this three-day effort. I suspect he was coming down with the mumps.

But at any rate, in the other grades the two-day loss is coupled with preparation for the test and a great deal of teacher time and energy in diagnosing the test, in an ironic attempt to get diagnostic results from a tool in which everyone scores at the highest level.

Q So it's not just the two days of testing. There are other costs in terms of instructional time?

A Instructional time is the central cost in education. I guess the cliche of the year is "time on task," and certainly we know that one of the reasons youngsters weren't learning is they weren't spending time in the learning process.

The test in New Jersey for the bulk of the

students in New Jersey is not a learning experience, hence is a two-day, in grades 6, 9 and 11, waste of time.

Q Dr. Shine, based on your rather extensive experience as an assistant commissioner in one of our nation's most urban states, New Jersey, what do you think the effect of minimum competency testing will be in terms of desegregation attempts there?

A Unfortunately the state, as far as school districts are concerned, is already segregated. De facto segregation exists in New Jersey. This segregation in my judgment will go on further and become more pronounced if the public schools lose credibility.

I could applaud -- well, I couldn't applaud, but I could understand those educators who would believe that minimum competency testing somehow might energize the schools, somehow might be a political plus, and they would choose to sacrifice a few twelfth graders to that effort.

But in my judgment that will be counterproductive, and what will happen is that as the schools gear up to pass the test and as the test items are being done now, are being revealed in the local newspaper, the test items will be so ludicrous to the average person that they will further lose confidence in the schools. As a matter of fact, the headlines in the New Jersey papers now are calling for the test to become more difficult because so many youngsters are

passing.

Q Do you think that will further erode enrollment in the public schools?

A Yes.

Q What will happen?

A I have no empirical evidence to prove that. We have only been privileged to have this test for the past two years tied to classification. Before the test was tied to classification, the school districts took it seriously, but their response was not obsessive. Since it has been tied to classification, it has become an obsession. We have box scores in the newspaper, et cetera. Parents are making inquiry as to how well a school might have done.

The situation -- a scenario such as this takes place. One school will have 30 sixth graders and they will all score 65 on the test, and that school will be judged 100 percent efficient, where another school might have 60 sixth graders and of that 10 will score below 65 but the others will score 100 percent on the test. And that school will be judged inefficient.

The teachers then, in order to upgrade the scores of those who have not scored as well, maybe one or two points below the grade level, will deprive them of opportunities to participate in broadening activities. Their parents will become disenchanted because there is an

obvious segregation within that school, within that curriculum, under the guise of "remediation."

And the parents are seeking -- parents of youngsters who have the financial option are seeking the private school alternative, especially in that particular ability group.

Q Dr. Shine, we are running a little behind. So I would like to ask you one last short question. As an educator, do you think that we need diploma denial or promotion decisions attached to a test in order to have successful schools?

A I think diploma denial attached to a single test is pernicious.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Dr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q Dr. Shine, you observed that minimum competency tests were politically motivated.

A That's correct.

Q Do you really believe that all of the legislators and all of the school board members who designed and put together these kinds of programs were all doing it for political reasons?

A Yes. Now, when I say politically motivated I

don't necessarily mean that in a pejorative way. What I'm saying is that for a long time we have sought political solutions to educational problems. For a long time we have politicized the school. This is just one more evidence of that. And in order to be responsive to a constituency that won't pay a great deal of attention, we have to derive journalistic responses which are also -- which tend to lend themselves to the political arena.

Q But the intention of many of these people might have been to improve education?

A There's no question that they are well intentioned.

Q I wanted to clarify that. Thank you.

You talked about costs associated with the use of minimum competency tests. Now, aren't there tremendous costs, hidden costs, hidden expenses to society, associated with miseducated youngsters?

A There's no question that is true.

Q You describe miracles with easy tests, 100 percent of the students reaching mastery. Is it not possible to create tests that would be more demanding?

A I think it's possible to create tests that would be more demanding. I think it is done every time. As a matter of fact, in New Jersey we have an interesting situation where the department of higher education has

developed a minimum competency test in competition with the department of education's minimum competency tests. The results are quite different.

As a matter of fact, the same month that the commissioner of education was heralding a successful war on illiteracy on the basis of the successful competion of the state department of education's minimum competency test, the state chancellor of higher education was decrying the lack of basic skills in the public high schools based on his tests.

Q Perhaps there will be a competition to see who can have higher minimums.

A Yes, and the competition in my judgment will result in loss, deprivation of educational experience, and also self-image for the student.

Q You indicated that the newspapers are calling for the test to be made more difficult.

A That's correct.

Q Isn't that in a sense desirable because the public now knows what kinds of tests there are, and if the public is dissatisfied the public can call out for higher standards?

A I would think, however, that we have an obligation as educators to work with the editors and newspapers and talk about differentiated testing and talk about criteria

referenced testing as more related to a subject, rather than overall intelligence, and try to construe a normative event into some kind of a criteria for a mass public. I think that's an error.

Q A final question. You described segregation going on in the schools. I am curious as to your view on this. Isn't there a kind of hidden segregation in our schools today, a segregation based on differential mastery of skills?

A There's no question that society segregates itself in many ways, and that there is differential mastery of skills. The segregation I was talking about unfortunately tends to be socioeconomic rather than educational.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: You are excused. Thank you very much, Dr. Shine.

The next witness, Mrs. Esther Lee, Title I Coordinator, Washington Township, New Jersey.

TESTIMONY OF MRS. ESTHER LEE,

TITLE I COORDINATOR,

WASHINGTON TOWNSHIP, NEW JERSEY

DIRECT EXAMINATION

BY MADAUS:

Q Could you give us a brief description of your background and education?

A I am presently a Title I teacher. I used to be the coordinator of the program. I have a master's degree in reading.

Q Okay. You are presently a Title I teacher?

A Right.

Q What is Title I, for those who don't know?

A Title I is a federally funded remedial program. It can be either reading or math. In our district it is just reading. And it is funded through the Elementary and Secondary Education Act of the Federal Government.

Q What kind of community is Washington Township, where you teach?

A Washington Township is a rural, growing suburban district. We have presently 7,000 students and we are located 20 miles outside of Philadelphia on the way to Atlantic City.

Q What are your major concerns with the New Jersey minimum competency testing program?

A I have two major concerns: the impact of the testing and the program upon the students and the teachers. If I can give you an example, as a reading teacher we used to remediate children based upon their needs in the classroom. However, now the children are isolated, pulled out of the regular program, and now our emphasis is to remediate what they missed on a particular test on a

particular day.

Q So it has changed the whole remediation program?

A Definitely. In the old days before minimum competency testing we were funded by the local board of education. We have the same amount of reading teachers now we had then. The only difference is our funding.

In the old days before we had competency testing we offered courses at the high school level. If I can give you an example of one, it was called "Rapid Reading." And this course, we offered it for credit, any child could sign up for it and the children who needed remediation were also in the class. So when the child came into the classroom, he was in there with honor society students, the football players and wrestling students, and he felt very good about himself. And we found out that in this situation the children made excellent gains.

But with minimum competency testing, we were not allowed to do that. So we were forced to segregate the children. Now when a child walks into the room he says, man, I don't want to be here with these dummies.

Q So there is a stigmatizing effect?

A Definitely. We can see it as we work with the children, because the gains that we used to make no longer happen.

Q Okay. How does it happen that remediation for the

minimum competency testing becomes a separate course, rather than what went on in the regular classroom?

A Because I guess our concentration now is to pull out children, and children can be pulled out for reading and they can be pulled out again for math. And again, as I said, our concentration is to remediate what was on the test. And we do this, because I think as Dr. Shine said, the results of the testing programs are advertised in the paper. So we are gently coerced, I guess, by the administration and the state and the county level to use the old test to determine what specific skills the children need, to remediate those needs, and from those needs that they did -- from the results of the test, we use it to develop an ISIP.

Q What's an ISIP?

A An ISIP is an individual student improvement plan. And on the surface it sounds like a really neat idea. My only concern -- if I can give you another example from our district, our sixth graders go to another building for seventh grade. And if they fail the test, then the child's ISIP is developed from how the child did on that particular day.

And it is disturbing to me, since I have worked with some of the sixth graders all year long, that nobody asks me what the child did. We know that, and many times

children don't do well on the test because they are afraid. Maybe they had a fight with their mother or maybe they haven't eaten for a few days for some reason.

I really feel that it is appalling to remediate a child and determine a program for the following year based on how he did on that one day.

Q On these test scores on a single day?

A Yes.

Q How does instruction become test preparation? How do you think it happens?

A Well, as a reading teacher I see that there is no specific research on what specific skills a child needs to determine competency. And if I can give you an example, one of the items on the sub test that are tested is a "schwa." Now, I am sure there are many people in this room who feel that they are competent readers, but if I asked them to isolate a "schwa" they probably would not be able to do that.

Q A "schwa"? A what?

A That's an "uh" sound. If I punched you in the stomach, you would say "uh," and that's all you ever have to need to know about the "schwa." But our state department doesn't think that.

Q Not with my Worcester accent.

Okay, how do teachers go about preparing students

for the test in your remedial classes?

A Again, if I could go back to the old days before minimum competency testing, our philosophy used to be that the goal of reading is to get people that read, that enjoy reading and that do read. For example, if you want to become a better bowler you bowl. If you want to become a better runner you run. And if you want to become a better reader you read.

However, if we are concentrating on isolated subskills in isolation and then the children see no relevance of what we are doing to their regular lives, as a result they see reading as punishment and they determine that's something they don't like to do and they are not going to do it.

Q So it has a negative effect on how they perceive reading?

A Right, definitely.

Q How do the kids themselves feel about the remedial program? You told us a little bit earlier, but can you elaborate on that?

A Yes. I guess I am old, because I can talk about it in the old days before we had competency testing. We used to concentrate on building the reading program upon their individual needs as we saw them based on what the classroom teachers were telling us, and we would use things

like, especially high school boys, we would use things like drag races and motorcycles, and that way that would extend the reading interest into their home life.

But now, because the emphasis is on passing the test and we as teachers have a concern because we want the public to see the schools in good light, you know, we are forced to do these skills in isolation so the children can do better on the tests.

Q Have scores gone up?

A Oh, definitely, the scores have gone up. That doesn't necessarily mean that the children are reading any better. But they are doing better on things like the "schwa."

Q You are an experienced teacher. Have these tests identified any children who are disabled readers that you didn't know about already?

A No, definitely not. As a competent teacher, we can identify which children need help, and I don't need the results of one test to tell me that. I get especially upset because in our district we have a $14 million budget and we do standardized testing K through 12 in addition to the state competency testing, and next year in our district we have only $1800 earmarked for materials, high-interest low-level materials to remediate our elementary children. And I think that is appalling, and I think that the emphasis

is then on reporting the scores and testing the children, rather than actual remediation.

Q How do you think from your experience parents feel about the program?

A I know that parents have been upset, not only in our school district but in neighboring districts. The parents have gone to the school board very upset about the practice for the test. They have gone to the school board because they feel that their children are missing out on other things that we used to teach in the curriculum. Science and social studies and the higher level thinking skills are suffering.

And a neighboring district's parents were complaining that not only were they drilled on a daily basis, but children were taking 30 or 40 problems home at night for practice.

Q Do you think that students should be promoted without skills?

A Definitely not. But I don't think that -- I don't think that the skills that determine competency should be determined by someone at a state department level. They should be determined in conjunction with the public and the parents and the particular school district.

Q Who do you think is best able to make decisions about whether students are promoted or whether they receive

a diploma?

A I think the classroom teacher definitely. And I know that in our state the state keeps telling us that we should use multiple assessment for promotion, for classifying children, for putting them in remediation programs. But what happens, because the test results are received so late and because we are short of child study teams and other people that can do this, it's so much easier to draw a line and then determine, these kids should be labeled or classified on the results of their test scores, only because it is most expedient to do so.

DR. MADAUS: Thank you very much.

HEARING OFFICER JORDAN: Dr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q Mrs. Lee, you described the old days, pre-minimum competency testing, and some of the techniques that might have been employed in those days. Did those techniques work?

A Yes. We saw students, remedial students -- sometimes what they really need is a little bit of confidence, and I think that 99 percent of the problem in helping, especially a high school student, is the confidence that he can do it and a good feeling, a good self-concept that he feels good about himself. Then I think you have 90

percent of the battle out of the way before you hit remediation.

Q Isn't it true, however, that it was precisely because the public doubted that the old ways were working that minimum competency testing programs have been mandated?

A I don't think that's true. One or two people said, well, I've got a high school kid who couldn't do thus and so, and I think it has been blown out of proportion.

Q So you are really saying that the public inaccurately perceives this, in fact the quality of schooling is pretty good?

A Right.

Q You were talking about skills being taught in isolation. Can't skills be taught in isolation even without a minimum competency testing program?

A Yes. But because of the minimum competency testing program, because of the emphasis to have the children pass the test, we are forced to do that. As I said before, if I hit you in the stomach, you know all that you want to know about the schwa and it's not necessary to spend weeks on drill on that particular thing. There are other ways of knowing what a word is besides that.

But somebody has determined that that is an important subskill.

Q That's the second time you have alluded to hitting in the stomach. You will notice I am more than an arm's distance from you.

Is it possible, since you are opposed to state-level establishment of standards, that you would be more sympathetic to local creation of standards, and indeed a locally devised minimum competency test?

A No, I didn't say about a locally devised --

Q I know you didn't. But I'm asking now.

A Because we have so many things that we can already use besides -- as I say, we already use standardized testing. We have requirements, like I as an English teacher had certain requirements that children had to meet before I would give him a passing grade. I think that is certainly sufficient enough to demonstrate competency.

Quizzes that teachers give are certainly more relevant and more meaningful to the child, to the parents, and to the community than tests set by someone outside.

Q Let me sketch a hypothetical situation for you. Let's say you had a collection of teachers in a school who, as you, feel that the calliber of education is good enough, and we had a school, a board, that didn't think it was. Now, wouldn't the teachers in that school situation be a little more inclined to give passing grades, since they thought all was well?

A Do you want to repeat that? Are you saying that the teachers would give up their integrity to do something that the school board wanted them to do?

Q Not at all. I'm saying what if their perceptions differ. You say things are fine and many citizens in our country think they aren't. Many citizens, in fact witnesses for the con team, believe that the quality of education is not sufficient. You're telling us it is.

Now, if there was a disagreement, wouldn't it be possible for the public to demand some standards and to have kids demonstrate this fine performance, that they can?

A Well, I think that if my administrator came to me and said, you know, that these tests are too easy, that you should make them a little bit more difficult, I wouldn't be disinclined not to review what I had to do. And I don't feel that any other teacher would either.

Q Let me ask one last question. You are talking about the kinds of tests that really provided rather minimal targets for you and the kinds of reading tests with which you were disturbed. Isn't it possible to build a paper and pencil test which tried to measure some of the higher order reading skills that students should possess? Isn't it possible to build a valid schwa-less reading test?

A I think that many times we think that things have a black and a white and a right and a wrong. I think that

in a paper and pencil test the child does not have a chance to validate his or her reason for doing so. And that is the reason between a paper-pencil test and me working individually with the student.

Q So you would be opposed to paper and pencil tests too?

A I'm saying there are other ways of validating a child and measuring competency rather than just paper and pencil tests. Again, I believe with the state department that we use multiple assessments.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Thank you, Ms. Lee. You may be excused.

Mr. Henry Stevens, teacher, Camden, New Jersey.

TESTIMONY OF HENRY STEVENS,

TEACHER, CAMDEN, NEW JERSEY

DIRECT EXAMINATION

BY DR. MADAUS:

Q Mr. Stevens, could you tell us who you are and what you do?

A My name is Henry Stevens. I am an eighth grade science teacher. I am also president of my local education association.

Q That is in Camden?

A Yes, it is.

Q Could you describe for the audience what kind of community Camden is?

A Camden is a predominantly black neighborhood, about 20 to 30 percent Hispanic and about 5 to 10 percent white.

Q What are your major concerns with the nature of the minimum competency testing program?

A My major concern is the negative effect that the test has on students, teachers and students.

Q What are the teachers' reactions?

A Well, you know, I was sitting here this morning listening to some of the testimony that was going on. We were asking the board members and everybody about what teachers thought. I am sure that you can get a lot of teachers to come in and tell you what they think, and they're not really happy about it. Because teachers like to teach and the way it's going on now all they're doing is coaching, coaching for exams.

Q How does a teacher in Camden go about coaching?

A He goes about using standardized tests, such as the California test or Iowa test, old tests.

Q Just uses old tests with the students and gives them practice?

A That's right. And they are told to do so.

Q The teachers are told to do so?

A Absolutely.

Q By who?

A By administrators.

Q Why? What is the rationale?

A Like anybody else, when there is pressure put on you, you want to do well. I happen to live not too far from Dr. Shine, who is in a good neighborhood, and my neighborhood is not as financially well off as his. But we still like to do well.

Q And doing well means the scores go up?

A Absolutely.

Q That's what we mean by doing well. Well, have the scores gone up?

A Yes.

Q So we have another miracle in New Jersey.

A That's correct.

Q Are the kids any better prepared now, with the scores up, than they were before, do you think?

A They are prepared to take exams, but I don't know how much other preparation has taken place.

Q You are an experienced teacher and you have been elected by your colleagues to an important post and therefore you are close to your colleagues. Do you think that these tests tell you or your colleagues -- or identify for you or your colleagues disabled readers or students

disabled in mathematics that you didn't know about already?

A Absolutely not.

Q You can pick these students out? You know who the ones are that need remediation?

A Sure.

Q Can you test? Can you use the test information that you already have in the system to do this?

A Yes.

Q Now let's get back specifically to the New Jersey situation. What happens in Camden if a student fails the minimum competency test?

A They are taken out of the classroom and put into remedial classes and they are drilled in the areas that they have done poorly on in the exam.

Q So first they are pulled out of classes and then they're put into remediation, and remediation becomes test preparation?

A That's correct.

Q How do students feel about being pulled out of class?

A Well, I think peer pressure is one of the hardest things that students have to live with. When they return to their classroom, they are called some names they are not happy about, and that doesn't make them feel too good. I don't think it would make anyone feel too good to be called

the names that they are called.

Q So they are labeled by their peers, which is a pretty tough thing for kids to face?

A That's right.

Q Now this ninth grade class that is in Camden, if I understand the New Jersey situation, will be the first one that has to pass the statewide test in order to receive a diploma?

A That's right.

Q So by the time they are twelfth graders, they will have had to pass the test or they won't get a diploma?

A That's right.

Q How do teachers in Camden feel about this?

A Well, the teachers are not happy about it, nor are the students. I was also listening to testimony this morning from the gentleman from Goldsboro, North Carolina, when he showed us his charts. He said that there were 22 students who had not returned to school for some reason or another. And I would like to think that the reason could possibly be that they were under the impression that they may not, no matter what, receive a diploma.

They did not come back to school in Camden. We have a lot of those students.

Q What kind of students are they?

A They are culturally and educationally deprived

students.

I also heard in the testimony this morning -- I heard the lady from Detroit, and I'm so glad they are doing so well in Detroit.

Q I am, too.

A I like to think maybe it has something to do with the leadership they have there now. However, I heard her say something about 25 students, when they had the strike, that the classroom was filled and they had 25 students in there.

But let me tell you, in Camden that's not the case. We're talking about filling a classroom, you're talking about upward of 35 or more in a small classroom. And I would like to think that that is a little too many.

Q Now, do you think that students should be graduated from New Jersey schools, Camden, or be promoted in Camden if they don't have skills? Don't we need standards?

A Yes.

Q Who is best able to determine whether a student should graduate or be promoted?

A It appears to me that if the classroom teachers are goin to spend most of their time with those students, then certainly they can identify the skills that are necessary to reward them with some type of reward at the end of 12 years. And if you don't do that, they're not going to

come to school. They're going to drop out.

Q Can't the teachers, in making this decision, use test information as one piece of information along with everything else they have?

A That's correct.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Mr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q Mr. Stevens, you agree that the public has the right to know about the quality of its schools?

A I do.

Q You have described a number of weaknesses in a particular minimum competency testing program, and yet you have been honest enough to point out that you saw a program that you saw some virtue in.

Don't you think it is possible with fine leadership and care and planning to eradicate many of the weaknesses that you now find in this program?

A Sure.

DR. POPHAM: No further questions.

REDIRECT EXAMINATION

BY DR. MADAUS:

Q Just one further question. Do you think there are ways of letting the public know how the schools are doing,

how kids are doing, because I think you agree that the public has a right to know, without tieing the testing information to a diploma or to promotion?

A That's right.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Thank you, Mr. Stevens.

The final witness, Reverand W. W. FinlatOr, Minister, Pullen Baptist Church, Raleigh, North Carolina.

TESTIMONY OF REVEREND W. W. FINLATOR,

PULLEN BAPTIST CHURCH,

RALEIGH, NORTH CAROLINA

DIRECT EXAMINATION

BY MS. PULLIN:

Q Reverend Finlator, I notice that Professor Jordan indicated you were from the Pullen Baptist Church. We are not in any way related, though, are we?

A I would be happy and honored.

Q For those who won't see the videotapes of these proceedings and who will just be reading about them, I suppose we should indicate that you are a man of at least a few years of experience in this world, is that correct?

A Yes. I have been around a long time, yes.

Q And could you say that in your years around you have had occasion to observe a number of social changes?

A Yes, I hope so.

Q And as a citizen in the state of North Carolina, have you had an opportunity to observe the implementation of the minimum competency testing program in that state?

A Not as closely as I should, particularly if I were a school staff member. I wish I had done a better job. But I'm aware of it, yes.

Q And you have watched it a little bit?

A Yes.

Q In the course of your observations of that testing program, have you reached a determination about whether or not you feel that minimum competency tests have been or will be hurtful or unjust toward our children?

A I reached the conclusion that the competency test should be subjected to sustained and healthy scrutiny.

Q Why have you reached that conclusion, sir?

A Well, as a long resident of Dixie -- and that's where I take my stand, to live and die there -- we know how devious and resourceful the ways of people who are in what we call the establishment, and how they have found devices to maintain the status quo and to see to it that they retain the position that they occupy and that the minorities do not press too hard upon them.

And for this reason the minimum competency test should be regarded with great suspicion as one of those cases where eternal vigilance is a price we have to pay for

our liberties. And that's why I take seriously the civil rights organizations, such as the NAACP and others, who have cast great doubt upon these tests. I think that all of us do well to listen to them.

Q Reverend Finlator, have you had an opportunity to determine whether or not you feel that minimum competency tests in your state or in other states in this country will be hurtful or perhaps -- well, let's just say hurtful -- in our schools or to the teaching in our schools?

A Let me put it this way. In the South through the years I have been on the so-called auspicious side. I am male, white, Gentile, Protestant, middle class, and more or less educated. Okay, I have never had any doors closed to me because of sex or color or status. I don't know what it is to be excluded.

But I know that other people, for the very same reasons that I have been blessed, have been unblessed. I happen to know that the same economic system, the political system that enhances me, diminishes others; and that there are people who are not poor and exploited and down because of their own fault, as the Protestant ethic would have us believe. But the same systemic justice that blessed me degraded them.

Now, the school is the government. The principals, the superintendents are government authorities.

The teachers are civil servants. The school unfortunately has played its part in the continuation of this discrimination and injustice. And anyone who is realistic will know that it's not all over.

Particularly at this time, when the blessings, the help that has come from Washington -- we have to keep in mind in the South that everything good that has happened to the blacks and the poor comes not from the grace of our hearts, but from up yonder, up here. And up here is letting those people down now.

MS. PULLEN: Thank you very much for your opinions, Reverend Finlator.

HEARING OFFICER JORDAN: Dr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q Reverend Finlator, you suggested that minimum competency tests be subjected to sustained and healthy scrutiny, I believe. If we were eternally vigilant and did in fact scrutinize those tests constantly, openly, with all concerned constituencies who are affected, would you be somewhat more relieved about their use?

A Yes. By "scrutiny," Dr. Popham, I mean suspicion.

Q Whatever you mean is fine with me.

You commented that these tests might be used for

economic reasons. Do you really believe that the legislators who initiated these tests in North Carolina were in fact primarily guided by economic motives?

A I think about every legislator is primarily motivated by economic motives.

(Laughter.)

Q I understand why you are the final witness.

(Laughter.)

Q You have been at the hearings for a while. Did you have the opportunity to hear from all the witnesses earlier today?

A Yes, sir.

Q It seems that implicit in your remarks is a concern about the possible negative effects that these kinds of programs might have on minority groups of one kind or another. Would you agree that if a program is put together with specific concern for those minority constituencies, it might have beneficial effects?

A No, sir. I would say definitely not. I would say that these people from the -- well, mention Detroit and all the good things we heard about Detroit. I was moved by the zeal and the buoyancy and the commitment of the leaders of the Detroit schools.

But no one ever asks, now why are these schools solidly black? Why when they graduate will there be a city

in which unemployment for teenagers might be 18 or 20 percent, and for black teenagers 30 or 40 percent? Why would they be concerned about being made competent for that bleak picture?

It would seem to me that the competency test ought to be turned around and students to be competent, say why, after all these 12 years in school, why are there no jobs? Why are we all black here? Who allowed these industries to move away from here and leave this desert land? What happened?

Why are there no ways of rapid transport out to the area where the jobs are? Who has denied me equal justice under the law? That's the kind of competence test that ought to be given in Detroit.

Q You are talking about a fairly ambitious kind of test, of course. But I wanted to push you a little on this. You talked about a differential unemployment rate amongst whites and blacks in Detroit or many urban settings. Isn't it conceivable to you that if black youngsters emerged from schools equally able to perform fundamental skills in reading, writing and mathematics, there might not be that differential unemployment rate?

A No. I think we are playing a game. Instead of the schools teaching the students to ask these fundamental questions about society, they are playing a game of helping

them to compete in the society as unjust as it is with no equipment to challenge that society.

Q Given the society and the injustice of it that you see, you still do not think it more appropriate to try to send youths from school in command of basic skills?

A To places where there are no jobs, professor?

Q That gives us an excuse to send students forth lacking those skills, Reverend?

A I would opt for the skill. But the point I am saying here is I kept hearing this morning these schools -- and my wife teaches English in high school and I have seen what she has gone through in the last 15 years -- and to hear, for example, that those halls are no longer crowded and loud and boisterous and the kids or the youngsters are not coming to school, the dropout is big and they are staying away, you know, all of this, and suddenly we "have found a solution"?

We have got them out of the halls, we have them walking five miles to school, we have them all ears, complete attention. We have control, discipline, everything is working beautifully, and I am beginning to think, you know, is not that possibly an implementarian use of this?

Like you start school prayer and bible reading and scripture and devotion -- which I am against because you use that to create an atmosphere -- and it seems to me that we

have come to something else that we are using. And Lord knows, if I were a teacher in the school and I were to fail and if I were a teacher in a school, the first thing I would ask for is a principal who would enforce the law and respect and control. And I would want that.

But I see this as being used for that under the guise of being used for something else.

MR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Thank you very much. You are excused.

That is the last witness for today. We will now have closing arguments by the team leaders. Presenting the first closing argument will be Professor Popham.

CLOSING ARGUMENT BY DR. W. JAMES POPHAM,
PRO TEAM LEADER

MR. POPHAM: We wish to, as a team express our appreciation to the National Institute of Education for its role in sponsoring this clarification hearing, to Professor Barbara Jordan for her very deft and sometimes brutal role in controlling these hearings, to our opponents, Professor George Madaus and his very able colleagues who presented their case very well, and to all the witnesses and other individuals who worked to make this hearing a success.

In closing, we wish to recapitulate our position

and our opponents' position and then weigh them on an equal-balance scale.

Our team attempted to open its position by suggesting that the impetus for minimum competency testing programs throughout this country was public distress. Public dissatisfaction with the caliber of schooling. We find nearly 40 states enacting these kinds of minimum competency testing programs because of publicly elected legislative action, because of the actions of citizen school boards.

And the reason that the public has acted in this fashion is that it is esssentially distressed with the quality of schooling. The public no longer believes that a high school diploma really means very much. The public no longer believes that students are advanced on the basis of skill from grade to grade. Rather, the public sees the specter of social promotion and sees the possibility that students do not possess fundamental skills in reading, writing, and mathematics.

We contended that minimum competency testing programs of high quality would have decisively positive effects. First, positive effects on students. We believe that more students will master basic skills and because they master those skills they will feel better about themselves and school. We believe there will be positive effects on the curriculum. Better competencies will be selected, and

because they are clarified, they can be more effectively promoted.

We believe there will be positive effects on public perceptions of schooling. The public will recognize that seat time has been abandoned as a criterion for advancement and, most significantly, will have evidence in the form of test performance that students can, in effect, master basic skills.

We presented seven features of a high-quality minimum competency testing program. We are surely not in favor of any minimum competency testing program in existence. There are many which need to be improved. But programs which possess many or most of these features will, we believe, be of high quality.

Many of our witnesses came from public schools, educators they were. And one might suspect that these educators, because indeed minimum competency legislation had been thrust upon them, would be negative and resistant regarding minimum competency testing.

Not so. These witnesses, in fact, were indeed positive regarding their particular minimum competency testing program. We commenced our witnesses with a series of individuals from the State of South Carolina. South Carolina is an interestig case, for testing occurs at the early grades -- kindergarten, one, two, three, six, eight,

eleven, many grades -- and the program has as its thrust improvement. There is a clear push to make instruction better. That clear push to make instruction better renders this a different kind of program.

I was particularly struck by the opposing team's willingness to exclude South Carolina from the proceedings by calling it irrelevant. How irrelevant? Well, irrelevant bacause one test was not exclusively paper-and-pencil. They were not concerned about six other grade levels where the tests were paper-and-pencil, irrelevant because there was no diploma sanction associated with South Carolina's program, when by the definition of minimum competency testing used in this hearing it was possible also that the only function of those particular programs would be to identify students in need of remedial assistance. This is precisely the purpose of the South Carolina program.

We presented witnesses from other states: Virginia, California, Texas, Illinois, North Carolina. In each instance, these witnesses, from their own experience, from evidence, described positive effects on students, positive effects on curriculum, positive effects of public perceptions of schooling. These are the three issues under consideration in this hearing.

Did our opponents, through deft cross examination. negate these contentions? They did not. Commissioner Ralph

Turlington from the State of Florida described in eloquent terms how that State's minimum competency testing program has turned education around in Florida, has raised the level of aspiration of Florida educators to new heights.

Did our opponents, through clever cross examination, repudiate Commissioner Turlington's views? They did not. He described a program in which there is considerable public support and not a little educational support.

We concluded our presentation of school-based witnesses with a series of individuals from Detroit, Michigan, by and large, a black school district, 86 percent black youngsters, a black-controlled board of education, a black-dominated administrative hierarchy. These individuals described a program in which a differential diploma was awarded. These individuals described a program that is working. These individuals described a program that does not penalize black youngsters but indeed enhances the possibility that they would be successful in later life.

They joined with many other witnesses who clearly claimed, who believe, that minority youngsters will not be harmed by minimum competency testing. We had other witnesses. Professor Michael Scriven described minimum competency testing as an antidote to what he views as current dishonesty in promotion practices in our schools.

He claimed that it was indeed the last hope of education -- perhaps, as he admitted, an overstatement -- but nonetheless, wanted us to look very carefully at minimum competency testing in contrast to the evils of the current situation.

Professor Scriven claimed that if startling modifications are not made, public education in this country may crumble. We heard from Morris Andrews of the Wisconsin Education Association making it very clear that an enlightened teachers organization, circa 40,000 members, can support minimum competency testing if crafted in a fashion that they consider in the best interest of students.

We heard Professor Robert Ebel, one of the world's finest testing experts, testify that the testing technology currently available to us is sufficient for purposes of minimum competency testing. And we heard William Raspberry, an analyst of educational matters, tell us that those who consider minimum competency testing programs evil for minority children may in fact have fundamental doubts about the ability of those minority children to succeed.

In a nutshell, our case rests on the notion that minimum competency testing programs can be designed of high quality and that those programs will have positive effects on students, on the curriculum, and on public perceptions.

What about the con team? The con team must, it

seems to us, present a position which essentially describes negative effects on each of those three issues. They must describe negative effects not only for weak minimum competency testing programs but for high-quality minimum competency testing programs. They must show that there is something inherent in minimum competency testing which will yield more negative than positive effects.

They led off their witnesses with Ralph Nader, a distinguished defender of consumer rights in this country. It was apparent from his testimony that in recent years Mr. Nader has been defending other sorts of concerns than minimum competency testing. It was apparent that he was not familiar with minimum competency testing in this country and frequently would respond to questions from our side and their side on the basis of a study dealing largely with the multiple-choice test. He decried multiple-choice tests, arguing that they could not under any circumstaces serve as valid measures of knowledge or skill.

In commenting on this observation, Professor Ebel, an acknowledged testing expert, simply said, "Absurd." Mr. Nader was, it seems, in a difficult position. He has been an advocate of honesty in consumer matters, and yet he found himself taking an opposite stance from a position which is predicated upon honesty in the awarding of the diploma.

Our opponents claimed with considerable fervor

that there was no decline in the caliber of public schooling in this country. Several witnesses indeed attested to the fact that public education had not dropped off recently, that basis skills were indeed getting better. Yet, this particular testimony was refuted by the con team's own witnesses. Dr. Mary Berry, Representative Frederico Pena, Congresswoman Shirley Chisholm all concurred that the quality of schooling in this country is not sufficient, whether or not it has declined in the past few years it is not good enough.

Our opponents pounded and pounded at the sole-criterion argument. Every other witness, it seemed, was asked, "Do you believe that a minimum competency test should serve as the sole criterion by which students should be advanced?" And the response, of course, was "Never." Yet, not a single witness was able to isolate a situation in which passage of a minimum competency test was the sole criterion.

Let us be clear about this sole-criterion discussion. If in a state a student is required to pass 15 courses at the high school level, the passage of those 15 courses is a criterion for graduation. It is not the sole criterion. If a student is obliged to pass a course in U.S. history or U.S. government, those are criteria, but not sole criteria. If a student is asked to pass a minimum

competency test in reading, writing, and mathematics, that is a criterion. It is not a sole criterion. It is an additional criterion.

Our opponents were mightily concerned that in minimum competency testing teachers would teach to the test. We are particularly troubled by their concern. We are particularly troubled by their worry regarding curricula reductionism. For in that way, we believe, is embedded a very poor perception of the professionalism of American educators.

One of their witnesses claimed that in a minimum competency testing program, "Any teacher with an ounce of sense would teach toward the test." We believe that any teacher with an ounce of integrity would not.

Our opponents raised the specter of minority failure under minimum competency testing programs and suggested that because early returns had indicated many more minority students were failing tests that these tests were biased against minorities and would work to the detriment of minority youngsters.

Yet, when they were greeted with a litany of positive testimony regarding the impact of minimum competency testing on minority students, they were unable to contest that testimony.

It is more than apparent that if minority students

do badly on these tests it is not as a consequence of the test but as a consequence of education and that inequity can be identified by a minimum competency testing so it can be excised.

Our opponents were dismayed by the quality, the technical quality of testimony. After frequent reiterations that they were in fact in favor of testing, they paraded a series of witnesses who took pot shot after pot shot at testing. Some of these indeed were cheap shots. Mr. Nader gave us a series of ludricously bad test items. We heard from other witnesses offering very weak test items.

You have heard of a "straw man" argument. This hearing has given rise to the "straw test" argument. You do not have to have weak tests. We do not have to have corrected test items in a minimum competency test. Examples have been distributed of actual test items from minimum competency tests now in use which are not flawed.

Our opponents suggested dire consequences. Dire consequences in the form of more student dropouts. Many claims of this sort. One of their witnesses, in fact, even offered evidence that more students were dropping out in Florida because of the minimum competency testing, but under cross examination retreated to the posture that issues were being raised. There is no evidence, no evidence, that minimum competency testing programs reduce the rate of

retention in our schools.

We were struck with how many of their witnesses were not in total disagreement with minimum competency testing but, indeed, if the program were carefully crafted, would find themselves in accord withe minimum competency tests. Mary Berry and Shirly Chisholm both indicated that if the program were properly put together, there could indeed be merit.

We are most impressed, however, with the on-record views of the leader of the con team which, in essence, states, "The minimum competency testing movement may engender an educational system which is both desirous and capable of preparing students who are well grounded in the basics of reading, writing, and mathematics."

There you have the con team's presentation. You must put these both on a balanced scale and decide. In essence, the con team is saying there is no problem, there is no real problem serious enough to warrant an installation of minimum competency tests. That is too grave. And they have described a medley of possible problems associated with minimum competency tests.

Yet, listening to the con team puts you in a position of listening to prophets of peril. They tell us we will have fine alternatives to minimum competency testing programs. Careful scrutiny of that suggests that they are

offering more of the same story.

The pro team contends that minimum competency testing is desired by the public and minimum competency testing is desired by educators who know enough about it. Minimum competency testing programs of high quality will produce positive effects on students, on the curriculum, and on public perceptions of schooling. We are not just saying they can or they will. Those programs are currently producing such effects.

Minimum competency testing programs of high quality will restore honesty to public school promotion practices in this country. Minimum competency testing programs of high quality will improve American education.

CLOSING ARGUMENT BY DR. GEORGE MADAUS,
CON TEAM LEADER

DR. MADAUS: Our team would also like to take this opportunity to thank NIE and to congratulate NIE for these hearings. We think a lot of good is going to come out of these tapes when they are edited. So NIE's effort in this regard is to be applauded.

We would also like to thank Paul Kelly for all of his work over the life of this project in moderating between Jim and I. He did a great job. Also, Barbara Jordan for her wonderful work throughout this. It has been a privilege to work with her. We would like to congratulate Jim and his

team. They have done a fine job of bringing together a fine group of witnesses. They made a good case. And I would like to congratulate each and every one of them.

I would also like to just take a personal moment here to thank my team, because I could not have done it without them. They have done a lot of work over a long period of time, and I really appreciate it. It is not over yet. We still have to edit.

Now, I would like to again -- I would like to begin by, rather, summing up our team's position, because I think Dr. Popham is misleading you when he starts talking about minimum competency testing as if it were a generic term. The lines of this hearing, this clarification hearing, were very carefully drawn.

We are not against certain kinds of minimum competency testing programs. We are not against competency testing programs, like in Kansas or in Massachusetts or in Burlington, Vermont. There are some good programs out there. Minimum competency testing programs like those give the public information that they have a right to know.

We are not against restoring meaning to the diploma. We are not for social promotion.

Somehow the "negative team" connotation has been a hard burden to carry. The "con team," he kept referring to us. Well, that is a con. That is a con. Our team is for

integrity in education. We are for standards. We don't want social promotion. We want the diploma to mean something. We don't want it to be counterfeit.

What we don't want is counterfeit accountability geared to some kind of paper and pencil test. Education is more than that. We are not against tests. There are legitimate uses for tests in education, and we have reiterated time and time again that tests can play a valuable part in informing the public and in instructional policy and decisionmaking.

What we were against -- and this is where you are being conned by the pro team -- what we are against is when a test score becomes a necessary condition to receive a diploma or the full condition to be promoted from one grade to another. We are saying -- and I think you will have to listen carefully because, again, of the label that we carry throughout this hearing -- what we are saying is those kinds of tests are one data point in making decisions. But the decisions on diploma award or promotion or classification should be made by the professionals, by parents, by administrators, using all of the indices that they can to come to the best judgment about each individual student.

Now, in talking about programs where if you don't pass the test you don't get the diploma, or you don't receive -- you don't get promoted, or that's the sole

criterion by which you are pulled out of a classroom and dumped into some kind of a remedial program, in talking about those kinds of programs, there are some serious problems. The test becomes very, very important, and whenever a test becomes very, very important there are serious consequences on individuals and there are serious consequences on teaching and on the curriculum.

We had some contentions when we started. We said basic skills were not declining. We didn't say that everything was right in American education. We said that we were concerned that the more complex skills were declining, and by concentrating on these paper and pencil basic minimum kinds of things we are going to make that situation worse.

We are concerned about that. But we don't think the schools are as bad as Dr. Popham has portrayed. We have seen terrific teachers and administrators from both sides come to these hearings and testify. When I think of all the nonsense I have heard about poor teaching and so on, I am really encouraged by the types of people I have seen from both sides, administrators and teachers.

Now, one of the contentions we had is that this is a political response to an educational problem, that it is a cheap, quick and conspicuous fix to a serious problem. What is happening is that the test is being used as an administrative device to mandate learning. You don't

mandate learning. That's not how kids learn, by mandating a test.

Now, we felt it was incumbent on us, because we had this label "con team," "negative team," that we had to offer alternatives. And we very carefully structured that part of the first day. We started off by having Dr. Austin talk about the characteristics of successful schools, and he did a beautiful job of describing what goes into a successful school. And the perhaps most important ingredient was they believe that kids could learn. And we believe that kids can learn, and learning is a lot more than passing those tests.

He described the characteristics of the teachers and the administrators and the parents and the students in those schools, and we have seen those characteristics mentioned by a lot of people in testimony, including people from Dr. Popham. So that's what Detroit was about. They had excellent administrators, excellent teachers.

We then followed by a superintendent from a large district that showed how tests could be used in instructional decisionmaking. But as he said, when it comes down to making decisions about promotion or graduation, then you use all kinds of information. You don't use a single test score.

Now, Dr. Popham is saying, well, we are misleading

you on that because after all they have to meet the requirements of the Carnegie units, and if they don't do that they don't graduate. So this test is not the sole criterion. What we mean is, if you don't pass that test you don't get your diploma.

Now, he says, well, you can take it four or five times, isn't that good? The minute you fail it you are labeled. In Florida you are labeled a functional illiterate, because it was a "funky lit test." And I don't care if you pass it four months from now, that's a tough label for a kid to live with.

There ought to be some way in which those test scores can be reviewed before we hang that label on the kid. Dr. Popham admitted that Donnie Shea should not have been subjected to what he was subjected to in Peoria, one that Dr. Popham cites as a model minimum competency testing program. What we want for every kid in America is what he wants for Donnie Shea: a mechanism to look at that test score and see if it is accurate, to see if there are other indicators that might say that test was wrong for this kid. If there aren't, the test is right, the other indicators agree, then maybe the kid should be kept back, should not get a diploma. But that is what we want.

Why were we so adamant about this test score thing? Because of technical limitations. And Dr. Popham

said: Gee, we were bombarded by technical witnesses about the quality of technical tests. Who did he mention? He mentioned Ralph Nader. He didn't mention Dr. Linn, who is also one of the foremost testing experts in this country. He didn't mention Dr. Calfee. He didn't mention Roger Farr. He mentioned Ralph Nader.

Ralph Nader is a consumer advocate. Ralph Nader is warning people that you don't get truth in labeling by giving a minimum competency test. And he read us some items that were bad items.

And Dr. Popham says, oh, he derides these items, these are bad items. Those items came out of a test that was used in some districts in New Mexico to deny diplomas.

Now, Dr. Linn's testimony, which I think is crucial to our argument, shows what a couple of items can mean. In Florida if we lowered the cutoff score by three multiple choice items, after eleven years of school 11,000 more kids would have gotten a diploma in the state of Florida, 11,000 on three multiple choice items.

And Ralph Nader wasn't the only one who mentioned bad items. Dr. Calfee mentioned bad items. Debby Meiers mentioned bad items.

Coming back to the alternatives, we then showed you alternatives at both the local district level with Debby

Meiers and at the state level with two chief state school officers who said we don't need these kinds of things.

Now, Dr. Popham's sites are very interesting. His witnesses testified to great improvements in education. They felt that things were really good. In not one of his sites, in not one of his sites, at least -- well, I will go through them for you. In not one of his sites could you lose a diploma or be kept back on the basis of the test.

South Carolina? No. Let's look at South Carolina. They don't use it for diploma denial, they don't use it for grade to grade promotion, and they don't use it by itself for classification. They don't use it by itself for classification. And that is the issue, by itself.

Florida, which has a terrible program according to Dr. Popham's own witness, Dr. Scriven. You heard Commissioner Turlington tell about all these wonderful results. There's no diploma sanction operating in Florida right now.

Harlington, Texas. Mrs. Moreles had wonderful results. Kids aren't kept back there on the basis of the test scores. Dr. Trujillo's own district, he admitted that a kid can graduate from there using other indicators of proficiency.

We can go through the other sites. Detroit I think is a very interesting site. Detroit does not differ

that much from what Dr. Wallace talked about as an alternative. It is quite different than what Debby Meiers talked about, but it doesn't differ that much from what Dr. Wallace talked about.

And really, the only thing that is troublesome about Detroit is the endorsed diploma. Now, I think anyone who was here today has to say that the Detroit witnesses admitted that they would have gotten the result they got without the endorsed diploma. You don't need the endorsed diploma to have the kinds of outcomes that Detroit reports.

On the endorsed diploma, though, there are a lot of kids who missed the endorsement by a couple, two or three items. Again, what we want is a way to review that to get other indicators in.

Now, we have heard a lot of testimony from Dr. Popham's witnesses that we agree with. For example, Zodie Johnson. We believe that if teachers teach students, students will learn. We believe that. But we don't believe you need a sanction to make that happen.

We also think that an important part of this clarification hearing is that what we are illustrating in these alternative techniques are some quite different competing philosophies of education. We are saying there are other ways to teach, there are other ways kids can learn. We don't need to approach it through a behavioral

objectives, stimulus-response kind of approach.

There are other ways and Debby Meiers, a very successful principal in Manhattan, described some of those for you. That in some ways is a very central issue to this debate: What kind of schools and what kind of teachers and what kind of learning do we want? That is crucial.

What we maintain is that when you have that necessary requirement of passing that test, that diminishes to some extent teachers. Their judgment should be taken into account in these kinds of decisions.

Coming back for a minute to the technical issues, I have been an admirer of Dr. Popham for a number of years. I read his books. And somehow, Jim, in my heart I can't believe that you are not disturbed by kids around the cutoff score, that you are not disturbed about test error. I just don't believe it, Jim, I really don't. I don't believe that you are not disturbed by the fact that we can get quite different classification schemes depending on how we set the cutoff score. I don't believe it, Jim.

One of the pro team's main contentions is truth in labeling: Let's get rid of the counterfeit diploma. They never told you about the fact that kids over the cutoff score by one, two, three or five items because of test error, again, may just as easily have fallen on the other side. And those kids don't have to be tested again. Is

that honest? Is that truth in labeling?

You heard a test director from North Carolina admit today that he was concerned about that, that his training told him that you don't use tests this way. Ethical standards in psychology, test standards from the APA and NCRE say if we don't use test information that way, we shouldn't.

One of the problems with the testing in minimum competency testing is that the tests simply don't receive enough scrutiny. In some states those tests are highly classified. In Dr. Lynn's analysis of Florida, those tests, you can't see them. We had the tape from someone who had bought the tape for a court trial. Otherwise we could not have done the analysis that we did.

We suggested that there may be concern for dropouts in Florida. We are not saying that the Claire Sullivan dissertation was definitive on this, but it raises enough questions where the state of Florida should be gathering the necessary data to answer that question one way or another.

Dr. Richman's study in North Carolina is suggestive. We never said it was definitive, but it was suggestive enough that we should be concerned to get more data.

I hope that Dr. Popham would be just as

incredulous and just as skeptical about some of the dramatic test rises that we have seen. Could it be -- I mean, won't he be as incredulous about that as he was about some of our empirical data, that maybe those results or the fact that the test was made easier or the test was not equated, that they taught to the test or in fact in some cases test security broke down? Well, I hope so.

Now, one of the big shams in all of this, it seems to me, is that these tests are somehow going to guarantee to the public that kids coming out of school have life skills, survival skills, that they are going to be competent adults. That again is a technical question about test validity. Do you really think that a paper and pencil multiple choice test given in one or two hours, three hours, whatever, really predicts what successful adults do? I doubt it.

You have heard the testimony from Mrs. Shea and Mr. Levinson and Dr. McNally about handicapped children who can perform quite well. They are very competent functioning adults who didn't pass these tests. Or maybe there are some kids that have not been labeled as handicapped who haven't passed the test and also can function quite well. And that is why we want multiple indicators.

Now, again I think that in closing, that the issue before us is in some ways a value question about what type

of schools and what kind of education. Do we want a narrow test-driven curriculum and test-driven schools, or do we want schools where tests assist instruction, but the professionals in the schools, the parents and the kids make the decisions, the important life decisions about kids in terms of promotion, classification or graduation?

Thank you.

HEARING OFFICER JORDAN: Thank you, Dr. Madaus.

Now for my closing remarks.

CLOSING REMARKS BY THE HEARING OFFICER

PROFESSOR BARBARA JORDAN

You will note that we have used this judicial format for the hearing. Even though we have used a judicial format, no one is going to renier a decision right now, even though I am tempted. There has been no jury. No one here can say whether this hearing has been a success or failure. No one here can really comment about the overall quality of minimum competency testing programs.

All of the decisions and all judgments concerning what has been presented here are left to subsequent audiences. Available to subsequent audiences by this fall will be gavel to gavel videotapes and written transcripts of the hearing. In addition, PBS will air in early fall a four-part television series consisting of a documentary on MCT programs, followed by an edited version of each of these

three days of hearings.

In these three days we have sought to clarify what the two teams perceive to be some of the major issues in minimum competency testing: Whether MCT programs will have a beneficial or harmful effect on students, on curriculum, and teaching, and on public perception and educational quality.

The two teams have done well. They worked actively for ten months developing their cases. 57 witnesses have testified. They have sought to clarify these issues of educational and social significance.

The extent to which we have succeeded will be reflected in the quality of decisions made by legislators, state and local policymakers and administrators, parents, teachers, students, and by the ultimate policymakers, the ultimate policymakers in our democratic society, the American people.

Before adjourning this hearing, I would like to take this opportunity to thank all of those who have made it possible, both those who have been presenting, testifying for these three days, and those who have been behind the scenes working. I especially want to thank the two team leaders. You all really did well. And I know you were worried from time to time, but you really did do all right.

Your witnesses were good. They provided useful,

insightful, comprehensive material about minimum competency testing. And my dear colleague, Paul Kelley, has done an outstanding job of assisting me in my role as hearing officer.

A great many people have worked behind the scenes to make this hearing possible: the Commerce Department, most gracious in providing us this auditorium and this conference room and looking after so many of the details, like coffee and air conditioning, parking spaces, mobile TV vans. They did a lot.

Galan Armstead and William Steinforth, we thank them for their staff has gone out of their way to try to make us welcome and comfortable, and we thank them for that.

The videotapings of the hearings, as well as the production of the three days, of the three one-hour edited tapes, are being handled by Maryland Instructional Television. Maryland Instructional Television. When we say those words, we think of Frank Batavick, executive producer of the series, and his staff who have been working with us all along. They have been invaluable in helping us create a production for the television medium.

Also helping throughout these months of preparation has been the McLeod Corporation, Jim Lieberman, his staff, able people handling logistics.

In thinking of the people who have played such key roles in these clarification hearings, we must particularly acknowledge the intellectual contribution of Dr. Robert Wolf. Dr. Wolf saw the contributions a judicial hearing format could make in addressing education issues. He developed that format in detail, from the use of the pro and con views to the establishment of rules of evidence and procedure. We appreciate the contributions he has made over the past decade in developing this method and in working with us on the MCT hearing.

And finally, the hearings would not have been possible without the support of the National Institute of Education, In sponsoring this hearing, the Institute has created a public forum for the debate of controversial public policy issues. Milton Goldberg, Acting Director of the Institute, Jeff Schiller, head of NIE's Program Testing, Assessment and Evaluation, and Judy Schoemaker, Testing Team Leader, ought to be commended for their support.

I particularly want to thank Enid Herndon, NIE's project officer for this effort. From the outset, Enid has managed all of the picky details, and she did it pleasantly and well, details like those necessary when you are trying to translate an idea into reality. In keeping all of us -- she was outstanding in keeping all of us -- team leaders, hearing officer, TV production crews, management

contractors, and Department of Commerce -- on track and on target.

This hearing concludes only one part of the effort. The production of the edited tapes and efforts to provide the materials to state and local decisionmakers and concerned citizens will continue through the Southeast Educational Communications Association, also to be coordinated by Enid Herndon.

It should be pointed out that NIE's interest in this endeavor goes beyond informing decisionmakers about minimum competency testing issues. The Institute is equally interested in finding out how effective this judicial hearing approach can be as a research alternative for states and communities in addressing public policy issues. Therefore, research is being conducted on the utility of the hearings, the edited tapes and other materials for the educational community, and on the value of the hearing approach to clarify educational issues.

This research is being conducted by the Northwest Regional Educational Laboratory and is being managed by Mary Ann Milsap of the Institute. We look forward to the outcome of these continuing activities.

If you have not already filled out your evaluation forms, I hope, for this hearing, those of you in the audience, I hope that you will do that before leaving the

auditorium.

At this time this hearing is adjourned.

(Whereupon, at 5:15 p.m., the hearing was adjourned.)

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